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SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Anderson County  
Honorable J. Cordell Maddox, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

NANCY ELAINE CARSWELL,

APPELLANT

APPELLATE CASE NO 2019-001818

---

RECORD ON APPEAL

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State of South Carolina  
 County of Anderson

Court of General Sessions

|                         |   |                      |
|-------------------------|---|----------------------|
| State of South Carolina | ) |                      |
|                         | ) |                      |
|                         | ) | Transcript of Record |
| v.                      | ) | 2018-GS-04-02521     |
|                         | ) |                      |
| Nancy Elaine Carswell   | ) |                      |
|                         | ) |                      |
| <u>Defendant.</u>       | ) |                      |

October 14-17, 2019  
 Anderson, South Carolina

VOLUME I

B E F O R E:

The Honorable J. Cordell Maddox, Judge; and a  
 jury.

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

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 Attorney for the State

Mary Holahan, Assistant Solicitor  
 Attorney for the State

Hadden Lucas, Assistant Public Defender  
 Attorney for the Defendant

Joey Opperman, Assistant Public Defender  
 Attorney for the Defendant

Lisa Scott  
 Circuit Court Reporter

1 start this afternoon and just go. But I'm just  
2 going tell you this -- we're off the record now.

3 (A discussion was held off the record.)

4 MR. LUCAS: Your Honor, one further thing just  
5 for purposes of the record. I wanted to put on the  
6 record our conversation in the grand jury room where  
7 we requested a continuance on the basis of  
8 Ms. Carswell not being here, and our key witnesses  
9 that we've subpoenaed for the suppression hearing,  
10 Steven Harrison and Dylan Patterson, ignoring the  
11 subpoenas. We think they're material to the  
12 hearing. My understanding is that motion is not  
13 being granted.

14 THE COURT: Well, let me just put on the  
15 record. Again, what was -- we had a roster meeting,  
16 and it was my understanding that the defendant was  
17 on a monitor.

18 MS. HUCKER: Yes, Your Honor.

19 THE COURT: And that she removed the monitor at  
20 some point, that she was given notice of the trial  
21 date, that she was on the roster this week, and that  
22 she had a right to be present. And that she was  
23 also warned that if she didn't show up, she would be  
24 tried in her absence; is that true?

25 MS. HUCKER: Yes, Your Honor.

1           THE COURT: That's what I was told back there  
2 so; is that correct?

3           MR. LUCAS: That's all true, Judge. And I  
4 spoke with her on the telephone early last week. It  
5 was probably Monday, but certainly no later than  
6 Tuesday, and she's aware of the trial date.

7           THE COURT: Okay. Yeah, I mean, the -- the  
8 case law requires that she have notice of the term  
9 of court and notice of the trial, and apparently she  
10 did. So that was all off the record. It's now on  
11 the record. So that's why -- I mean, I don't like a  
12 trial in absentia, but, you know, you just never  
13 account for taste.

14           Okay. I'll see y'all about 2:45. I mean, I  
15 wish I could get back here earlier. To be honest  
16 with you, I just can't. Let me bring them in. I'm  
17 going to tell them to call tonight and let's see  
18 where we are. So would you bring them back in?

19           THE BAILIFF: (Complying.)

20           THE COURT: We're not going to swear them  
21 though until tomorrow.

22           THE CLERK: Right.

23           (At 1:30 p.m., jury entered the courtroom.)

24           THE COURT: Okay. Ladies and gentlemen, if --  
25 if we were going to start this trial, if this was a

1 THE COURT: All right. I'll see y'all about  
2 2:40. I mean, I'll get back here as quick as I can,  
3 but I got this 30-minute doctor. All right. I'm  
4 gone.

5 (From 1:39 to 3:20 p.m., lunch recess.)

6 THE COURT: Have y'all heard from these  
7 witnesses at all? I mean -- I mean, let's cut to  
8 the chase here. I mean, has anybody talked to them  
9 personally or...

10 MR. LUCAS: Well, Your Honor, they're both our  
11 witnesses. Mr. Harris, we served with a subpoena on  
12 September 17th. We've been unsuccessful trying to  
13 get him on the phone.

14 Dylan Patterson was served last Thursday, the  
15 10th. And I've tried to reach him by phone and also  
16 been unsuccessful.

17 THE COURT: Okay.

18 MR. LUCAS: And Mr. Harris, I think, goes back  
19 and forth between Anderson and Hart County, Georgia.  
20 Patterson is 17 and lives here in Anderson, but I  
21 think is leaving the county to avoid testifying. So  
22 I'm uncertain why he's doing that.

23 THE COURT: All right. Is there any objection  
24 to the bench warrants?

25 MS. HUCKER: None, Your Honor.

1 THE COURT: Okay. I've got one bench warrant.  
2 Did you give me two?

3 MR. LUCAS: I did it for both of them, Your  
4 Honor.

5 THE COURT: You better check with the Sheriff's  
6 Department. They might need two orders. I don't  
7 know.

8 MR. LUCAS: Okay.

9 THE COURT: I'm fine with that, but they may  
10 need two.

11 MR. LUCAS: We'll -- we'll check with them.

12 THE COURT: Okay.

13 MR. LUCAS: And we can change real quick.  
14 Thank you.

15 THE COURT: All right. Well, I've read the  
16 memorandum and notes and my law clerk and I have  
17 talked about it. So I'm sort of -- that's what all  
18 I'm -- is a factual background and the information  
19 in the motion to suppress, so I'm happy to hear from  
20 you.

21 Yes, sir.

22 MR. LUCAS: Your Honor, we've got some motions  
23 we'd like to take up in advance of that.

24 THE COURT: All right.

25 MR. LUCAS: First off, we would move to

1 on that day?

2 A. I did.

3 Q. And you indicated that you got on that date  
4 information from a confidential source about  
5 methamphetamine being trafficked in Anderson County?

6 A. I did.

7 Q. And you state that the confidential source  
8 advised you that an unknown female would be driving  
9 a dark in color BMW sports car and that she would be  
10 transporting an unknown amount -- amount of  
11 methamphetamine to [REDACTED] Fairlane Drive in Anderson?

12 A. Yes.

13 Q. And your report says that she also advised you  
14 that that unknown amount of methamphetamine would be  
15 purchased by Elaine Driver who lives at that  
16 residence?

17 A. Yes.

18 Q. And it's your understanding that Elaine Driver  
19 is the same as the defendant, Nancy Elaine Carswell?

20 A. That's right.

21 Q. Okay. So at what time on March 12th did you  
22 get this tip?

23 A. It was between 5:45 and 6:00 p.m.

24 Q. And how was the tip communicated to you?

25 A. Through a phone call.

1       dropped him off in that area ---

2       Q.     Okay.

3       A.     --- of [REDACTED].

4       Q.     Okay. And for what purpose?

5       A.     We were going to run surveillance on the house  
6       to see if we could corroborate this information. He  
7       was in a wooded area. He had a set of binoculars.  
8       He had a camera. And me and him communicated back  
9       and forth on the radio.

10      Q.     Okay. And did he ever communicate with you  
11      that he saw Tara Thomason as [REDACTED] Fairlane Drive?

12      A.     So at the time whenever this BMW sports car,  
13      dark in color, arrived at the house, a male is seen  
14      with her. Not in the same vehicle. They just --  
15      they were in -- around this area of that vehicle and  
16      then they went to the trunk area.

17             Detective Proner was able to get a picture. He  
18      was able to zoom in and get a very good picture of  
19      the two.

20             He then advised me, he said, "Hey, I think this  
21      is probably going to be Tara Thomason."

22             So based on the information we had from several  
23      debriefs for other drug investigations, it was -- it  
24      was maybe a 98 percent chance it was her. We just  
25      didn't have 100 percent at the time. It was later



1 witness. She needs for her testimony to be done by  
2 eleven o'clock Wednesday morning.

3 THE COURT: Okay. Well, then she'll be your  
4 case in chief, right?

5 MS. HUCKER: Yes, Judge. I can call her as my  
6 first witness if I need to.

7 THE COURT: Okay.

8 (At 4:33 p.m., the proceedings concluded for  
9 the day.)

10 - - -

11 October 15, 2019

12 MR. LUCAS: Your Honor, I've got one thing I  
13 want to put on the record ---

14 THE COURT: Okay.

15 MR. LUCAS: --- in terms of our continuance  
16 request on the basis of not being able to get our  
17 two subpoenaed witnesses to court.

18 THE COURT: Okay.

19 MR. LUCAS: I realize I didn't proffer their  
20 expected testimony, and I've got our investigator's  
21 notes that I would just put in the record to that  
22 effect.

23 THE COURT: Okay.

24 MR. LUCAS: And these are two people who were  
25 in the house at the time of the entry by police.

1 And from my investigator, speaking with him, I  
2 understand what they would be saying were they here,  
3 is that police went into the house and then searched  
4 the house immediately. So there is no delay waiting  
5 for the search warrant, but they are obviously not  
6 here.

7 THE COURT: Okay.

8 MR. LUCAS: And if I can just mark these both  
9 Court's Exhibits 1 and 2 with your permission.  
10 We'll do Steven Dennis Harris as Court's Exhibit 1,  
11 and then Dylan Patterson as Court's Exhibit 2.

12 And our position would be, Your Honor, we can't  
13 get a full and fair suppression hearing without  
14 their testimony; however, I think it does bear  
15 noting that we have subpoenaed Steven Dennis Harris  
16 in August as well for a trial date that was  
17 continued, and he didn't show up then either.

18 THE COURT: Yeah, but, no, I understand. Okay.  
19 You can call your first witness.

20 MR. LUCAS: Could we approach briefly about the  
21 suppression hearing, Judge, just in terms of the  
22 mode? We talked about it yesterday, but we have a  
23 motion to suppress and also a *Jackson v. Denno*  
24 regarding statements alleged to be made by  
25 Ms. Carswell. I think it makes sense to do them

1 both as one big hearing because there're some  
2 witnesses that would be the same and then argue  
3 afterwards.

4 THE COURT: If the testimony is the same,  
5 that's fine with me.

6 MR. LUCAS: And then, secondly, it's given that  
7 we have a warrantless entry and seizure. The State  
8 actually has the burden of proof I think with you  
9 going first and calling their witnesses, and then us  
10 supplementing if you don't call someone will be okay  
11 if that's fine with you, Judge.

12 THE COURT: However you want to work it is fine  
13 with me.

14 MR. LUCAS: Okay.

15 MS. HUCKER: Thank you, Judge.

16 MR. LUCAS: Thank you.

17 THE COURT: Yeah, I mean, we'll play it  
18 loose -- fast and loose and try to get everybody in.

19 MS. HOLAHAN: The State calls Sean Proner.

20 THE WITNESS: (Approaching.)

21 THE CLERK: If you would, please raise your  
22 right hand.

23 THE WITNESS: (Complying.)

24 THE CLERK: Do you solemnly swear or affirm the  
25 testimony you're about to give shall be the truth,

1 the whole truth, and nothing but the truth?

2 THE WITNESS: Yes, ma'am, I do.

3 THE CLERK: Thank you, sir. If you would,  
4 please take a seat at the witness stand.

5 THE WITNESS: (Complying.)

6 DETECTIVE SEAN PRONER,  
7 having been produced and first duly sworn as a  
8 witness on behalf of the State, testified as  
9 follows:

10 JACKSON V. DENNO DIRECT EXAMINATION

11 BY MS. HOLAHAN:

12 Q. Will you please state your name for the record?

13 A. My name is Sean Proner, P-r-o-n-e-r.

14 Q. Where do you currently work?

15 A. I'm a detective assigned to the narcotics  
16 investigations unit at the Anderson County Sheriff's  
17 Office.

18 Q. On March 12, 2018, did you have occasion to go  
19 to Fairlane Drive in Anderson County?

20 A. Yes, ma'am, I did.

21 Q. What did you do there?

22 A. I was tasked with conducting surveillance of  
23 the target residence.

24 Q. Okay. Where were you during the surveillance?

25 A. During that time, I was in a wooded area at the

1 corner of Dixie Drive and Fairlane, Claudine and  
2 Dixie.

3 Q. What was your view from that position?

4 A. I could look across the intersection down  
5 Fairlane, and I could see the residence.

6 Q. And what was the address of the residence? Do  
7 you remember?

8 A. I don't recall, ma'am.

9 Q. Does [REDACTED] Fairlane Drive sound correct?

10 A. Yes, ma'am. It sounds to be correct.

11 Q. What time did you start surveillance?

12 A. Between 5:00 and 6:00.

13 Q. Was there daylight or had the sun set at that  
14 point?

15 A. No, ma'am. It was still daylight from the  
16 start. As the -- as the surveillance progressed, it  
17 got darker.

18 Q. What did you observe while you were doing your  
19 surveillance?

20 A. Multiple vehicles coming and going from the  
21 residence. One vehicle that left, which was I  
22 believe a burgundy Chevy S-10 Blazer, left and other  
23 surveillance units saw another vehicle. And then  
24 the burgundy Blazer returned along with a black BMW.

25 Q. Did anyone get out of those vehicles once they

1 arrived at the residence?

2 A. Yes, ma'am. They all got out of the burgundy  
3 S-10 Blazer, and a white female got out of the black  
4 BMW.

5 Q. Did you observe these people doing anything?

6 A. I observed them manipulating something in the  
7 trunk of the BMW. The female that drove the BMW,  
8 she pulled a bag out of the BMW, out of the trunk,  
9 and I was able to photograph her walking with the  
10 bag from the BMW to the house.

11 Q. Did anyone enter the house?

12 A. Yes, ma'am, both those. Both the white male  
13 from the burgundy S-10 Blazer and the white female  
14 from the black BMW entered the house and they left  
15 my sight.

16 Q. And what -- what did you observe after that?

17 A. A couple other vehicles coming and going. And  
18 then I maintained my surveillance position until  
19 members of the -- other members from special  
20 investigations secured the house.

21 Q. Did you -- the woman that entered the house,  
22 did she ever leave the house at some point?

23 A. She did leave the house.

24 Q. Okay. And did she drive away in a vehicle?

25 A. She did. She left in the BMW that she arrived

1 in.

2 Q. And you said that you stayed at -- in that area  
3 doing surveillance for how long?

4 A. I stayed until other members of special  
5 investigations secured the house.

6 Q. Okay. Did you assist in securing the house at  
7 all?

8 A. No, ma'am.

9 Q. And a search warrant was eventually gotten for  
10 this property. Did you assist in the execution of  
11 the search warrant?

12 A. Yes, ma'am. I assisted in the search of the  
13 property.

14 Q. Did you find anything during the search?

15 A. Not that I recall.

16 THE COURT: In her last question, you're  
17 talking about after the warrant. After a search, do  
18 you ---

19 THE WITNESS: After the warrant arrived at the  
20 house and was executed, I assisted in the search,  
21 yeah.

22 THE COURT: I just wanted to make sure I had  
23 that correct.

24 BY MS. HOLAHAN:

25 Q. So you were still out doing surveillance when

1 the first members of the narcotics unit arrived at  
2 the house, correct?

3 A. Yes, ma'am.

4 Q. So you did not search at all during the  
5 securing of the house?

6 A. No, ma'am. I -- I didn't assist in the search  
7 until after the search warrant arrived and was  
8 served.

9 MS. HOLAHAN: Thank you. No further questions.

10 THE COURT: Yes, sir.

11 JACKSON V. DENNO CROSS-EXAMINATION

12 BY MR. LUCAS:

13 Q. Detective Proner, I'm going to hand you a copy  
14 of your report. Can you identify that document?

15 A. It appears to be my supplemental report from  
16 the incident report.

17 Q. And you're familiar with that?

18 A. I wrote it. Yes, sir.

19 Q. Okay. Good. Now, based on your report and  
20 your testimony, you had the house under surveillance  
21 on March 12th?

22 A. Yes, sir.

23 Q. And that would be [REDACTED] Fairlane Drive in  
24 Anderson?

25 A. Yes, sir.



1 Q. And it was your testimony that you started that  
2 surveillance between five and six o'clock?

3 A. Yes, sir. I don't have a -- I don't see a time  
4 here on my supplemental, but that was around the  
5 time that I recall beginning surveillance. It was  
6 still relatively daylight when I entered the wooded  
7 area.

8 Q. And you didn't put it in your report, but what  
9 time approximately did Tara Thomason arrive at the  
10 house?

11 A. I don't know, sir. I wasn't keeping time.

12 Q. But when she arrived, you still had the house  
13 under surveillance?

14 A. Yes, sir.

15 Q. And after she arrived, how long did she stay at  
16 the house?

17 A. I don't recall. A -- a guesstimation would be  
18 speculation. It wasn't long, but I couldn't say a  
19 time frame.

20 Q. So "wasn't long" would be less than 30 minutes  
21 or more than 30 minutes?

22 A. I think that's kind of speculation. It's a  
23 matter of opinion. I'd say she was there no longer  
24 than an hour.

25 Q. And you had the house under surveillance that

1       entire time?

2       A.     Yes, sir.

3       Q.     And you are back in the woods. That's kind of  
4       on the corner?

5       A.     The corner of Claudine and Dixie.

6       Q.     Okay. How far away from the house is that?

7       A.     Sixty yards.

8       Q.     And you're hidden in the woods?

9       A.     Yes, sir.

10      Q.     And how did you get there? Did you drive in a  
11     marked patrol car or an unmarked car?

12      A.     I was dropped off in an unmarked car.

13      Q.     And while you were engaging in the  
14     surveillance, you took a number of photographs; is  
15     that correct?

16      A.     Yes, sir. That's correct.

17      Q.     Are you familiar with that disk?

18      A.     It says "search warrant photos; surveillance  
19     photos; incident reports; debriefing Nancy  
20     Carswell," it has Case No. 2018-04469. I can only  
21     assume it contains what's written on it, but, no, I  
22     didn't create the disk. So, no, I'm not familiar  
23     with it.

24             (Brief recess.)

25             MR. LUCAS: I'm sorry. Your Honor. I thought

1           that it would be a little simpler to pull it up.

2           THE COURT:   Okay.

3           MR. LUCAS:   We -- we may have to go get a  
4           laptop and then recall him at some point.   I  
5           just ---

6           THE COURT:   You can do that.   I mean, we'll  
7           take a break.

8           MR. LUCAS:   Okay.   And I -- I'm happy to finish  
9           crossing and then go get a laptop.   I just -- what I  
10          have, Your Honor, is one or two photographs that  
11          were taken during the surveillance.   And with each  
12          one of those, you have metadata attached which show  
13          the exact time the photograph was taken.

14          THE COURT:   Okay.   Well, yeah, I mean, I don't  
15          mind letting you do that now to use during your  
16          question or do it later.   It doesn't matter to me.

17          BY MR. LUCAS:

18          Q.   Detective Proner, are you able to see that?

19          A.   Yes, sir.

20          Q.   And what we have done, is we have put in the  
21          disk and I'm going to show you some photographs.

22          MR. LUCAS:   Your Honor, do you want me to  
23          introduce that into evidence for purposes of the  
24          hearing, or would you rather be do it afterwards?

25          THE COURT:   Afterwards.   Yeah, we'll just

1 assume you're going to introduce them.

2 BY MR. LUCAS:

3 Q. Detective Proner, I'm showing you a  
4 photograph --

5 THE COURT: Introduce it as an exhibit now, so  
6 that would just be an exhibit.

7 MR. LUCAS: Your Honor, if there's no  
8 objection, I'll introduce it in as Defendant's  
9 Exhibit No. 1 like I said.

10 THE COURT: Just for exhibit purposes, and then  
11 we'll introduce it into evidence when it's over.  
12 Okay.

13 (Defendant's Exhibit No. 1 was marked for  
14 identification.)

15 BY MR. LUCAS:

16 Q. Detective Proner, I'm showing you a picture  
17 that's marked zero -- Image 0346.

18 A. Yes, sir.

19 Q. Does that appear to be a photograph that you  
20 took ---

21 A. Yes, sir.

22 Q. --- on March 12th?

23 A. Yes, sir, it does.

24 Q. And does it appear to be a true and accurate  
25 depiction of what you photographed?

1 A. Yes, sir.

2 Q. What does it show?

3 A. It shows a black BMW Z3 in the driveway of [REDACTED]  
4 Fairlane Drive with the brake lights on indicating  
5 someone is still sitting in the driver's seat with  
6 their foot on the brake.

7 It shows a heavyset bald black male standing  
8 behind a burgundy Chevy S-10 Blazer looking at --  
9 looking at something in his hand, maybe a phone. It  
10 appears he's waiting on the occupant of the BMW to  
11 get out.

12 Q. Thank you. And I am going to click on the  
13 properties of the photograph, and you would agree  
14 that this will show what time the photograph was  
15 taken?

16 A. It shows created, modified, and accessed.

17 Q. And does the modified date say March 12, 2018,  
18 at 6:27 p.m.?

19 A. It does.

20 Q. And you would agree that that would indicate  
21 that you were still engaged in surveillance at 6:27  
22 and taking photographs at that time?

23 A. If the time on the camera is correct.

24 Q. And that's your camera?

25 A. It's a county camera.

1 Q. Okay. Is that one that you use frequently to  
2 take photographs?

3 A. I use it from time to time. Yes, sir.

4 Q. And with that time being 6:27 p.m. on March  
5 12th, do you have any reason to believe that that  
6 time is not accurate?

7 A. The only thing that would give me pause is that  
8 in March it's fairly dark at 6:27, and appears to be  
9 a good bit of daylight there.

10 Q. But it was your testimony earlier that you  
11 started surveillance between 5:00 and 6:00 p.m.?

12 A. I said around 5:00 or 6:00. Yes, sir.

13 Q. So it's not unreasonable to think you'd still  
14 be there at 6:30?

15 A. It is probably not unreasonable to say that I  
16 was still there at 6:30.

17 MR. LUCAS: Okay. Beg the Court's indulgence  
18 for just a moment, Your Honor?

19 THE COURT: Sure.

20 BY MR. LUCAS:

21 Q. And I'm showing you another picture that's  
22 marked Image, underscore, 0368JPG.

23 A. Yes, sir.

24 Q. Is this also a picture that you took on  
25 March 12th?

1 A. Appears to be. Yes, sir.

2 Q. And what does the picture show, Detective  
3 Proner?

4 A. It shows a -- what appears to be the same BMW  
5 from the earlier picture parked in front of the same  
6 burgundy Chevrolet S-10 Blazer from the previous  
7 picture. And it looks like it's a good bit darker  
8 now than it was earlier.

9 Q. And this is a picture that you took from the  
10 woods in your surveillance position?

11 A. Yes, sir.

12 Q. And you can actually see some branches that are  
13 slightly obscuring the picture?

14 A. Yes, sir.

15 Q. Now, I'm going to pull up the properties for  
16 that photograph, as well. And you would agree that  
17 it says that the photograph was modified on  
18 March 12, 2018, at 6:53 p.m.?

19 A. Yes, sir, I would.

20 Q. And it has a created date of July 3, 2019, at  
21 10:26 a.m. And it would be fair to say that that  
22 date does not have any relevance to this -- to this  
23 case?

24 A. I'd say that's fair.

25 Q. And it's probably the date on which this -- and

1 I know I'm asking you to speculate. It's probably  
2 the date on which these photos were -- or the disk  
3 was created?

4 A. I would assume that was the date they were  
5 burned to the disk.

6 Q. Okay. So it would be fair to say that at  
7 6:53 p.m., you were still engaged in surveillance at  
8  Fairlane Drive?

9 A. If that time is indeed correct, then, yes, it  
10 would be fair to say I was doing surveillance at  
11 6:53.

12 Q. And you don't know whether it's correct, but  
13 you have no reason to believe that it's not?

14 A. I have no reason to assume otherwise, but I  
15 can't say who set that camera up or formatted it,  
16 set the time, set the date or any of that.

17 Q. Sure. Sure. And you don't know whether  
18 that's -- whether it's screwed up by time change,  
19 but 6:53 p.m. would be consistent with when you  
20 think you were at the home?

21 A. Yes, sir.

22 MR. LUCAS: Thank you.

23 Your Honor, at this time we'd offer it into  
24 evidence as Defense Exhibit No. 1 for purposes of  
25 the suppression hearing.



1 THE COURT: Any objection?

2 MS. HUCKER: None, Your Honor.

3 THE COURT: All right. Without objection.

4 (Defense Exhibit No. 1 was received into  
5 evidence.)

6 BY MR. LUCAS:

7 Q. And, Detective Proner, how many other people  
8 were surveilling the house during this operation?

9 A. Static or mobile?

10 Q. Both. Let's start with static, and then go  
11 mobile.

12 A. So I was the only static surveillance position  
13 on the residence. I couldn't tell you how many  
14 other cold cars we had. I was otherwise  
15 preoccupied.

16 Q. So static would mean that you were still ---

17 A. Stationary. Yes, sir.

18 Q. And mobile would be other cars that the  
19 sheriff's department has around in the area?

20 A. Yes, sir. What we refer to as "cold cars" that  
21 we use for surveillance. Unmarked cars that have no  
22 blue lights, no siren, and no markings.

23 Q. And who was responsible for organizing this  
24 operation, if you know?

25 A. My understanding would be Detective Acevedo who

1 is the case agent.

2 Q. And do you know how many cold cars were around  
3 the house as part of the operation?

4 A. No, sir, I don't.

5 Q. And it's your testimony that you maintained  
6 surveillance after the black BMW left the home?

7 A. Yes, sir. That's correct.

8 Q. Do you know what time that Ms. Thomason left  
9 the home?

10 A. No, sir, I don't.

11 Q. And you maintained surveillance on the home  
12 after the traffic stop of Ms. Thomason?

13 A. Yes, sir, I did.

14 Q. And there were still cold cars in and around  
15 the area at that time?

16 A. I can assume they were. Yes, sir.

17 Q. And it would be fair to say that you maintained  
18 surveillance on the home up until the time deputies  
19 with the sheriff's department went into the home?

20 A. Yes, sir.

21 Q. And you maintained surveillance up until the  
22 time the search warrant arrived later on?

23 A. I maintained -- I maintained surveillance  
24 location until the house was secured by other  
25 detectives.

1           Once they secured the house, there was no need  
2           to surveil it any longer, so I collected my  
3           belongings, collected my items, and I made my way to  
4           the target residence where we waited for the search  
5           warrant.

6           Q.    So you maintained surveillance up until the  
7           time the house was secured?

8           A.    When they say it was secured, I left my  
9           location. Yes, sir.

10          Q.    And did you have any further contact with  
11          Ms. Carswell during that search or any contact at  
12          all?

13          A.    No, sir. Not that I recall.

14                MR. LUCAS: Beg the Court's indulgence for a  
15          moment, Your Honor.

16                THE COURT: Sure.

17          BY MR. LUCAS:

18          Q.    Just one last question for you, Detective  
19          Proner. Do you have any reason to believe that the  
20          time stamps of the photographs are off by an hour?

21          A.    I -- I couldn't say. I carry a gun for a  
22          living. I don't have a whole lot of involvement  
23          with technology. My eight year old can run my  
24          iPhone better than I can, so I couldn't say.

25                MR. LUCAS: You see how good I am with it too,

1 so we're in agreement there. I don't have any  
2 further questions for Detective Proner, Your Honor.  
3 Thank you.

4 THE COURT: Okay.

5 MS. HOLAHAN: Just briefly, Your Honor.

6 JACKSON V. DENNO REDIRECT EXAMINATION

7 BY MS. HOLAHAN:

8 Q. Detective Proner, as you stated, you're not an  
9 IT specialist?

10 A. No, ma'am.

11 Q. So any of the times that you testified to based  
12 on an affidavit, that's just speculation on your  
13 part?

14 A. Yes, ma'am.

15 MS. HOLAHAN: No further questions.

16 THE COURT: All right. You can step down.  
17 Appreciate it.

18 (Witness excused.)

19 MS. HOLAHAN: Your Honor, the State calls  
20 Stephen Earwood to the stand.

21 (Witness approached.)

22 THE CLERK: If you can, please raise your right  
23 hand.

24 THE WITNESS: Absolutely.

25 THE CLERK: Do you solemnly swear or affirm the

1 testimony you're about to give shall be the truth,  
2 the whole truth, and nothing but the truth?

3 THE WITNESS: Yes, ma'am, I do.

4 THE CLERK: Thank you, sir. If you would,  
5 please take a seat there at the witness stand.

6 THE WITNESS: (Complying.)

7 DEPUTY STEPHEN EARWOOD,  
8 having been produced and first duly sworn as a  
9 witness on behalf of the State, then testified as  
10 follows:

11 JACKSON V. DENNO DIRECT EXAMINATION

12 BY MS. HOLAHAN:

13 Q. Will you please state your name for the record?

14 A. Yeah, Deputy Stephen Earwood.

15 Q. Can you spell your last name?

16 A. E-a-r-w-o-o-d.

17 Q. And what is your current position?

18 A. I work with the street and narcotics unit as a  
19 deputy under special investigations division.

20 Q. And that's with the Anderson County Sheriff's  
21 Office?

22 A. Yes, ma'am, it is.

23 Q. Were you working on March 12, 2018?

24 A. Yes, ma'am, I was.

25 Q. What were you doing on that day?

1 A. I was doing proactive patrol in the area of  
2 West Shockley Ferry and South Murray.

3 Q. What is proactive patrol?

4 A. Proactive patrol is something that street  
5 narcotics do in reference to narcotic  
6 investigations, in reference to high criminal  
7 activity in a certain area, stuff like that.

8 Q. Did you conduct any traffic stops that night?

9 A. Yes, ma'am, I did.

10 Q. And what was that traffic stop?

11 A. I conducted a traffic stop on a black BMW coupe  
12 on 28 at New Pond.

13 Q. What was the reason for that traffic stop?

14 A. The reason for the traffic stop was an improper  
15 turn. So when the driver of the vehicle, Tara  
16 Thomason, was on West Shockley Ferry taking a left  
17 onto Murray and then taking a right onto 28, there's  
18 a four lanes and she cut across all four lanes with  
19 without establishing a dominant lane before doing  
20 so.

21 Q. So you conduct the traffic stop. You said the  
22 driver was Tara Thomason. And did you speak to  
23 Ms. Thomason at all?

24 A. I did.

25 Q. Tell us about that.

1       A.    I advised -- when I walked up to the vehicle, I  
2       advised Ms. Thomason the reason for the traffic  
3       stop.  I knew that this vehicle was of interest for  
4       narcotic investigations.  So when speaking with her,  
5       I advised her for the reason of the stop.  Asked her  
6       for all the proper documentation, which she was able  
7       to provide.

8               At that time I went back to my vehicle and  
9       began running her information through Anderson  
10      County dispatch.  After I was waiting on the  
11      information to be turned -- given back to me, I got  
12      Ms. Thomason out of the vehicle and began giving her  
13      roadside interview about illegal activity or any  
14      illegal narcotics.

15             And when I was speaking with her, I asked her  
16      if she had anything illegal in the vehicle that I  
17      needed to be aware of.

18             And she said, "Well, I have a meth pipe in  
19      there and a large amount of money."

20             And I kind of paused for a second.  I said,  
21      "Okay."

22             I pulled her to the side, and I read her  
23      Miranda rights from an SID card that we have.

24             After reading her Miranda rights, she agreed to  
25      speak with me without an attorney present.  I asked

1 her roughly how much money she had.

2 She said, "Well, I think \$39,000."

3 And I said, "Okay. Is there any -- anything  
4 illegal on you or money on you?"

5 She said, "Yeah," and she pulled another large  
6 sum of U.S. currency from her bra.

7 At that time, Staff Sergeant Scogins, who's now  
8 Lieutenant Scogins, arrived on scene to further the  
9 investigation.

10 Q. About what time was the traffic stop?

11 A. 8:14.

12 Q. Okay. And did you stay there for the  
13 completion of the stop?

14 A. I stayed there for a little while. And after  
15 that, I was advised by Lieutenant Scogins now to  
16 meet up with other guys of special investigations to  
17 go secure a house at [REDACTED] Fairlane Drive.

18 Q. Okay. What did you do once you got to [REDACTED]  
19 Fairlane Drive?

20 A. So myself and other deputies from SID went  
21 inside [REDACTED] Fairlane Drive for evidence preservation.  
22 When I went inside, you kind of walk in from the --  
23 there's a carport area. When I walk -- go in, you  
24 go into a kitchen into like a living room area and  
25 then it kind of hooks back to the right and through



1 two, I guess, they're called French doors or double  
2 doors.

3 There were two males and two females inside the  
4 bedroom on the left. And I assisted in detaining  
5 all personnel inside that room and then standing  
6 with them.

7 Q. So you went into the house you said for  
8 evidence preservation. What does that include  
9 exactly?

10 A. At the time I was just doing as I was  
11 instructed by my sergeant and lieutenant of all that  
12 stuff. But for evidence preservation, I was advised  
13 that a search warrant was going to be on the way and  
14 that we had eyes on the house, no one had left, and  
15 that we had reason to believe that there was a large  
16 amount of narcotics at the scene.

17 Q. Okay. So you said that you entered into a  
18 bedroom that contained some people that were inside?

19 A. Yes, ma'am.

20 Q. What did you do once they were detained?

21 A. I detained them. I think Detective Williams,  
22 Sergeant Williams at the time, was in there with me.  
23 I turned over -- so once they were detained and  
24 placed in handcuffs, they were sat where they were  
25 and did not move. Sergeant Alan Hendrix came in and

1 relieved me of my position, and I went outside to  
2 basically secure the outside, if anybody was going  
3 to pull in or anything like that.

4 Q. Did you encounter anybody outside the  
5 residence?

6 A. I did, but not at that time. After -- I -- I  
7 can't be for sure what time. At two different  
8 times, there was two vehicles that pulled into the  
9 residence, in which both the vehicles had -- they  
10 both had narcotics in the vehicle as well.

11 Q. While you were securing people inside the  
12 house, at any time did you search for any evidence?

13 A. Absolutely not.

14 Q. Did you participate in the execution of the  
15 search warrant once you arrived?

16 A. So when I was -- I was outside through most of  
17 the searching on the inside, if I did, it wasn't of  
18 any -- I didn't locate anything of any evidentiary  
19 value.

20 MS. HOLAHAN: Okay. I have no further  
21 questions for you.

22 THE COURT: Okay. Yes, sir.

23 JACKSON V. DENNO CROSS-EXAMINATION

24 BY MR. LUCAS:

25 Q. Detective Earwood, it's your testimony that you

1       stopped Tara Thomason at 8:14?

2       A.     Yes.

3       Q.     And were you directed by anyone to make that  
4       stop?

5       A.     I was directed by Detective Acevedo that if  
6       contact could be made with that vehicle to do so.

7       Q.     And what does that mean?

8       A.     If there was a traffic violation that could be  
9       found to basically conduct a traffic stop and  
10      identify anybody inside for furthering our narcotic  
11      investigation.

12      Q.     And it's your testimony that you made the stop  
13      at West Shockley Ferry and Murray Street?

14      A.     No, sir. That was when -- that was where the  
15      traffic infraction was, was at from the turn from  
16      West Shockley Ferry onto South Murray onto 28, but  
17      the actual traffic stop was on 28. It was right  
18      there at Troy's Muffler which is at New Pond Road.

19      Q.     What was the name of the road?

20      A.     New Pond -- Highway 28 and New Pond.

21      Q.     And that would be, what, about a half a mile  
22      away from the Fairlane Drive?

23      A.     I'm not sure. I -- I would try guessing it.  
24      Is that what you're asking me to do?

25      Q.     Yeah.

1 A. I would say it's over half a mile.

2 Q. And when you stopped Ms. Thomason, you got her  
3 out of the car?

4 A. Yes, sir, I did.

5 Q. Okay. And eventually Sergeant Scogins arrived  
6 on scene, correct?

7 A. Yes, sir. Well, Lieutenant. Staff sergeant at  
8 the time.

9 Q. But now Lieutenant Scogins?

10 A. Yes, sir. That's correct.

11 Q. And how long after the initial stop did he  
12 arrive?

13 A. Probably maybe more than 10 minutes, less than  
14 20 if I was guessing. I -- I really can't be sure.

15 Q. And how long did you stay on scene after he  
16 arrived?

17 A. I really can't be -- be certain.

18 Q. When you left the traffic stop, Ms. Thomason  
19 had not been released yet, had she?

20 A. No. She'd not been released.

21 Q. And by the time you left, had officer or DA --  
22 DEA task force -- force agent Matt McDonald arrived  
23 yet?

24 A. No. I had not seen McDonald yet.

25 Q. And it's your testimony that later on you were

1 involved with an entry team for [REDACTED] Fairlane Drive?

2 A. Yes, sir. That's correct.

3 Q. And your report says that you were tasked with  
4 securing the residence and detaining all personnel  
5 inside?

6 A. Yes, sir.

7 Q. That's accurate?

8 A. I didn't detain everyone by myself, but my  
9 objective was to go inside. And if there was any  
10 persons inside the residence, that they were to be  
11 detained.

12 Q. Sure. Do you recall what time you went into  
13 the residence approximately?

14 A. I don't. I'm sorry.

15 Q. But at that point, you had not -- or law  
16 enforcement had not yet procured a search warrant?  
17 Would that be accurate to say?

18 A. It's my understanding, no.

19 Q. And it was your testimony that you went into a  
20 bedroom and secured four people?

21 A. Yes.

22 Q. And by "secure," that means handcuffed, right?

23 A. Detained. Yes, sir, handcuffed.

24 Q. So -- and of those four people, Nancy Carswell,  
25 the defendant, would've been one of them, correct?

1 A. Yes.

2 Q. And after you detained her, you put her into a  
3 main room with everyone else in the house?

4 A. I did not. No.

5 Q. What was done with her after you detained her?

6 A. Like I said, Sergeant Hendrix came into the  
7 room and relieved me and I went outside.

8 Q. And what other steps are usually taken when you  
9 secure a residence?

10 A. Once we're securing a residence, anyone inside  
11 is being detained. They're being held in place for  
12 photographs.

13 Once they're photographed where they're at, the  
14 search warrant gets read to the -- the owners of the  
15 house. And they are placed into a secure location,  
16 and then the house is searched.

17 Q. Now, do you search for weapons during a -- when  
18 you're securing the house?

19 A. No.

20 Q. So -- and did you search for weapons in this  
21 case?

22 A. No, sir.

23 Q. So it's your testimony that you just -- that  
24 the sheriff's department went in, detained  
25 everybody, and then that was the end of your

1 involvement?

2 A. Yes, sir. Unless there's, you know, a gun in  
3 someone's hand. Other than that, I mean, nothing  
4 gets moved, nothing gets touched. The people are  
5 just detained.

6 Q. And what time was the house searched, if you  
7 know?

8 A. I don't know.

9 Q. What time did the search warrant arrive, if you  
10 know?

11 A. I don't know.

12 Q. And you testified that two other vehicles  
13 arrived while you were at the home?

14 A. Yes, sir.

15 Q. And you said that narcotics were found in both  
16 vehicles?

17 A. Yes, sir.

18 Q. And the first vehicle was a gold Ford Taurus?

19 A. I believe so. Yes, sir.

20 Q. And how did you find the narcotics in that  
21 vehicle?

22 A. To be honest with you, I really can't remember.  
23 Sorry. I can't remember.

24 Q. And did that vehicle get to the home before or  
25 after the search warrant arrived?

1 A. I do not know.

2 Q. And your report says that approximately at  
3 10:50 p.m. a black Chevy Silverado pulled up to the  
4 residence?

5 A. Yes, sir.

6 Q. And I'll be happy to show this to you if you  
7 haven't had a chance to review it.

8 A. No, sir. I mean, yeah, I just don't -- I mean,  
9 I do remember that there was a black Chevy, but I  
10 can't recall what time. But if you're looking at my  
11 report then -- I mean, if that's what it says, then  
12 that's when it was.

13 Q. And do you know if that vehicle arrived before  
14 or after the search warrant?

15 A. I'm not sure, sir.

16 Q. And how did you find the narcotics inside the  
17 vehicle?

18 A. It was searched.

19 MR. LUCAS: Beg the Court's indulgence for just  
20 a moment?

21 THE COURT: Sure.

22 MR. LUCAS: No further questions at this time,  
23 Your Honor.

24 THE COURT: Anything on redirect?

25 MS. HOLAHAN: No redirect, Your Honor.



1 THE COURT: Okay. You can step down. Thank  
2 you.

3 (Witness excused.)

4 MS. HOLAHAN: The State calls Rusty Scogins  
5 next, Your Honor.

6 (Witness approached.)

7 THE CLERK: Do you solemnly swear or affirm the  
8 testimony that you're about to give shall be the  
9 truth, the whole truth, and nothing but the truth?

10 THE WITNESS: Yes, ma'am, I do.

11 THE CLERK: Thank you, sir. If you would,  
12 please come around and take a seat at the witness  
13 stand.

14 THE WITNESS: (Complying.)

15 LIEUTENANT ROGER SCOGINS,  
16 having been produced and first duly sworn as a  
17 witness on behalf of the State, then testified as  
18 follows:

19 JACKSON V. DENNO DIRECT EXAMINATION

20 BY MS. HOLAHAN:

21 Q. Would you please state your name and spell your  
22 last name for the record?

23 A. It's Roger K. Scogins, S-c-o-g-i-n-s.

24 Q. And by whom are you employed?

25 A. Anderson County Sheriff's Office.

1 Q. What is your current position there?

2 A. I'm a lieutenant for narcotics and special  
3 investigations.

4 Q. And were you working on March 12, 2018?

5 A. Yes, ma'am.

6 Q. Did you have a different position at that time?

7 A. I was a staff sergeant at that point, still  
8 over narcotics and the special investigations.

9 Q. Tell me about what you did on August 12, 2018.

10 A. March 12th?

11 Q. Sorry. March 12, 2018.

12 A. Okay. So on March the 12th, I had received a  
13 phone call from Detective Acevedo advising that he  
14 had received some information about a large quantity  
15 of drugs being delivered to [REDACTED] Fairlane in  
16 Anderson. The narcotics investigation unit, which  
17 is -- which is what he's part of, set up some  
18 surveillance down there, began watching the place,  
19 and conducting some traffic stops of cars coming and  
20 going from -- from the residence.

21 After a couple of vehicles had been stopped, I  
22 was in the area, but wasn't really participating  
23 in -- in the traffic stops. I responded to a  
24 traffic stop at -- on 28 Bypass that detective --  
25 that Deputy Earwood had conducted.

1 Deputy Earwood had stopped a lady named Tara  
2 Thomason. She had -- once he got -- once he got  
3 into the traffic stop, I was trying to back him up.  
4 I just pulled up and he -- he Mirandized her and  
5 started talking to her a little bit.

6 He called me and he said, "Look, she's -- she's  
7 saying she's got a large sum of money." So I -- at  
8 that time I actually responded there to the traffic  
9 stop.

10 Upon getting there and him Mirandizing her, I  
11 set her down in my truck and spoke with her for just  
12 a brief moment. She advised me that she had just  
13 left [REDACTED] Fairlane and had dropped off about 80 grams  
14 of meth to Nancy Elaine Carswell Driver. Multiple  
15 names, but I'm not sure which one she goes by. And  
16 that she had just gotten paid for that. She had the  
17 money, I think, still in her bra at that point, that  
18 she had been paid for what she had delivered there  
19 at the house. And she indicated that she had a  
20 large sum of money, approximately \$40,000 in the  
21 car.

22 So Earwood and another deputy was there. They  
23 continued the traffic stop. And I -- I called  
24 Sergeant Foster at that point in time who was  
25 working under my direction and advised him to -- to

1 grab -- to get a group of people together and secure  
2 the residence.

3 I also spoke with Detective Acevedo and they  
4 were in the process at that point of getting a  
5 search warrant for the house based on the total  
6 circumstances that was going on that night.

7 So after a few minutes, I received a call back  
8 from Sergeant Foster who said they had indeed  
9 secured the residents, and were then waiting on the  
10 search warrant to arrive at the house to continue --  
11 to start the search of the property.

12 Q. Did you yourself go to [REDACTED] Fairlane?

13 A. I did.

14 Q. And did you assist in the execution of the  
15 search warrant at all?

16 A. I did not. I was there for command purposes  
17 only at that point in time.

18 MS. HOLAHAN: Thank you.

19 THE WITNESS: You're welcome.

20 MS. HOLAHAN: I have no further questions for  
21 you.

22 THE WITNESS: Thank you.

23 MR. LUCAS: Your Honor, if I can approach the  
24 witness?

25 THE COURT: Sure.

1 CROSS-EXAMINATION

2 BY MR. LUCAS:

3 Q. Lieutenant Scogins, I think we looked at this  
4 yesterday, but can you identify this document?

5 A. Yes, sir. It's the same document that we  
6 looked at yesterday. It was my supplemental report  
7 to the incident.

8 Q. And how long have you been a police officer,  
9 Lieutenant Scogins?

10 A. Approximately, 18 years.

11 Q. And what is your role in the special  
12 investigations division, or what was your role in  
13 2018 as a sergeant?

14 A. So I was a staff sergeant at this point. I  
15 overseen the serg -- I had multiple sergeants. A  
16 sergeant over narcotics investigations, an  
17 additional sergeant over a street narcotics unit, an  
18 addition sergeant over the fugitive investigative  
19 unit. So it was my job to oversee the operation of  
20 all three units.

21 Q. Okay. And as part of your training as a police  
22 officer, you're trained to write incident reports?

23 A. Yes.

24 Q. And you're trained to write accurate reports?

25 A. Yes.

1 Q. And you're trained to include all relevant  
2 information?

3 A. Yes.

4 Q. And not to omit any pertinent information?

5 A. Yes.

6 Q. And the reason that you're trained to do that  
7 is because you might have to rely on that report  
8 later on?

9 A. Yes, sir.

10 Q. To include testifying at trial?

11 A. Yes.

12 Q. Okay. Now, in your report, you say that you  
13 had a conversation with Tara Thomason during this  
14 traffic stop, correct?

15 A. That's correct.

16 Q. And you testified earlier that she told you  
17 that she delivered 80 grams to Elaine Driver?

18 A. Right.

19 Q. And it's -- there has been some confusion --  
20 confusion about the name, but Nancy Carswell is the  
21 same person as Elaine Driver?

22 A. Yes.

23 Q. And in your report you say that Thomason said  
24 that Driver had paid her \$1400 while at the  
25 residence for the methamphetamine, correct?

1 A. That's correct.

2 Q. And that the \$1400 was in her bra when she was  
3 pulled over?

4 A. Yes, sir.

5 Q. And she also said that she had approximately  
6 \$40,000 in the trunk, correct?

7 A. Yes, sir.

8 Q. And that was money that she had gotten -- or  
9 she had been collecting for methamphetamine she was  
10 distributing?

11 A. That's correct.

12 Q. And that was the extent of her statement to  
13 you?

14 A. Yes, sir.

15 Q. And your report says that after speaking with  
16 detectives about the situation, you advised Sergeant  
17 J.T. Foster to get a group together to secure the  
18 residence for evidence preservation?

19 A. That's correct.

20 Q. And you made that decision based upon your  
21 conversation with Tara Thomason?

22 A. I made my -- that decision based upon my  
23 conversation with Tara Thomason and what had been  
24 going on the whole afternoon of the -- of the  
25 investigation.

1 Q. Okay. And then your report also says, it's the  
2 next sentence, "A short time later, I received a  
3 call from Sergeant Foster who advised that the  
4 residence was secure and that they were standing by  
5 and waiting on the arrival of a search warrant."

6 A. That's correct.

7 Q. So it would be fair to say that law enforcement  
8 went into the house before they had a search  
9 warrant?

10 A. Yes.

11 Q. And at the time that you got this call, you  
12 were still with Tara Thomason at the traffic stop?

13 A. Yes.

14 Q. Which is roughly about half a mile to a mile  
15 away from the home, correct?

16 A. It's probably a mile or so away, a couple of  
17 miles.

18 Q. And isn't it also true that Detective Acevedo  
19 responded out there to photograph the vehicle?

20 A. I don't recall to be honest about that.

21 Q. And to back up a little bit, you testified  
22 earlier that there was surveillance on the [REDACTED]  
23 Fairlane Drive address?

24 A. Yes, sir.

25 Q. And that there were a number of cars in and



1 around the area making traffic stops?

2 A. That's correct.

3 Q. If you know, how many vehicles?

4 A. I don't know.

5 Q. And how long did you stay at the Tara Thomason  
6 traffic stop?

7 A. I'm not sure exactly how long I was there, sir,  
8 to be honest.

9 Q. And was Ms. Thomason issued a traffic ticket  
10 during that time?

11 A. I don't know.

12 Q. Did you take Ms. Thomason into custody?

13 A. No, sir.

14 Q. When you left the scene or left the scene of  
15 the traffic stop, who was responsible for it?

16 A. For -- for her or for the stop?

17 Q. For Ms. Thomason. I'm sorry.

18 A. I think -- well, I think that one of the other  
19 deputies that was on scene during the search, maybe  
20 Cameron Wood or one of those guys was there when I  
21 left, but I'm not sure who it was that was  
22 "so-to-speak" responsible for her at that point.

23 Q. Okay. But it would be fair to say that at the  
24 time deputies secured the house, she was still  
25 detained?

1 A. She was still at the traffic stop. Sure.

2 Q. Was she handcuffed?

3 A. Not when I was spoke with her, she wasn't.

4 Q. But she would not have been free to leave at  
5 that point?

6 A. She was actually speaking with me of her own  
7 freewill at that point.

8 Q. And if she wanted to go, would you have let her  
9 go?

10 A. She didn't want to go, so I don't know what  
11 relevance that is. I can't speak to what she might  
12 have wanted to do.

13 MR. LUCAS: Beg the Court's indulgence for just  
14 a moment, Your Honor.

15 THE COURT: Sure.

16 BY MR. LUCAS:

17 Q. One further question, Lieutenant. Not asking  
18 you to speculate, but what would you have done if  
19 she asked to leave, that being Tara Thomason?

20 A. I don't know to be honest.

21 Q. And, actually, another follow-up. The \$39,000  
22 and then the \$1400, what became of that money?

23 A. That money was seized.

24 Q. Who seized it?

25 A. DEA.

1 Q. And was it taken into evidence by the sheriff's  
2 department or turned over to the DEA?

3 A. That night, I'm not sure.

4 Q. When was the counted?

5 A. I don't know. I wasn't part of that process.

6 MR. LUCAS: Thank you. No further questions.

7 THE COURT: All right. Anything on redirect?

8 MS. HOLAHAN: No redirect, Your Honor.

9 THE COURT: Okay. Thanks. You can step down.  
10 Appreciate it.

11 THE WITNESS: Yes, sir.

12 (Witness excused.)

13 MS. HUCKER: State calls Detective Acevedo.

14 THE COURT: Tell you what, give me two minutes  
15 before he gets up. I know it'll take a little bit.  
16 Two or three. I got to make a quick call.

17 MS. HUCKER: Okay, Judge.

18 (From 11:13 to 11:29 a.m., brief recess.)

19 THE COURT: Okay. You can call your next  
20 witness.

21 MS. HUCKER: The State calls Detective Acevedo.

22 (Witness approached.)

23 THE CLERK: Do you solemnly swear or affirm the  
24 testimony you're about to give shall be the truth,  
25 the whole truth, and nothing but the truth?

1 THE WITNESS: I do.

2 THE CLERK: Thank you, sir.

3 DETECTIVE ANDRES ACEVEDO,  
4 having been produced and first duly sworn as a  
5 witness on behalf of the State, then testified as  
6 follows:

7 JACKSON V. DENNO DIRECT EXAMINATION

8 BY MS. HUCKER:

9 Q. Detective, by whom are you employed?

10 A. Anderson County Sheriff's Office.

11 Q. And can you spell your last name for the court  
12 reporter, please?

13 A. A-c-e-v-e-d-o.

14 Q. And what is your current position there?

15 A. I'm a detective with the narcotics  
16 investigation division or unit.

17 Q. And was that your position in March of 2018?

18 A. It was.

19 Q. What are some of your duties and  
20 responsibilities as a member of the narcotics  
21 investigations unit?

22 A. We conduct drug investigations. We respond to  
23 drug overdoses. We assist other agencies in the  
24 upstate with drug investigations. We do drug talks  
25 for schools, community groups. Just anything to do

1 with drugs -- a complaint or anything to do with  
2 drugs in the county gets passed onto us.

3 Q. Okay. Were you involved in a drug  
4 investigation regarding a Nancy Elaine Carswell in  
5 March of 2018?

6 A. I was.

7 Q. How did that investigation begin?

8 A. I received a tip from a confidential source in  
9 reference to a possible drug deal or drugs being  
10 trafficked into Anderson County, that a female -- at  
11 the time they did not know who the female was, but  
12 she would be driving a dark in color BMW and going  
13 to a house, [REDACTED] Fairlane Drive in Anderson. And  
14 Nancy Carswell or Elaine Driver, whichever name  
15 she's going by, was going to be buying -- buying the  
16 drugs.

17 Q. Okay. And about what time of day did you  
18 receive that tip?

19 A. I received that tip roughly 5:30, six o'clock.

20 Q. Okay. And what did you do after receiving that  
21 information?

22 A. I received that information. I advised the  
23 supervisor at the time, which was Lieutenant  
24 Scogins, advised him what I was going to be doing.  
25 And I asked Detective Proner if he would go with me

1 to run surveillance, just so we could lay eyes on  
2 the house and see if there's any activity or  
3 anything. So we did surveillance.

4 Q. Okay. Can you tell me about the surveillance?

5 A. We arrived. We responded in a cold car, which  
6 is unmarked -- no blue lights, no markings or  
7 anything.

8 I dropped him off in an area of Dixie Drive at  
9 Fairlane. I forgot what that road is that  
10 intersects right there. And I dropped him off in  
11 the woods, so he conducted surveillance in a wooded  
12 area.

13 Q. Okay. What kind of surveillance did he  
14 conduct?

15 A. He was in the wooded area. Nobody could see  
16 him. He was able -- he had eyes on the house. He  
17 could see who was coming and going, who was arriving  
18 at the house in a vehicle and who was leaving.

19 Q. And you took photos?

20 A. Yes, ma'am.

21 Q. Okay. And did he have contact with you or with  
22 anyone else doing surveillance?

23 A. Me and him remained in contact. We have an  
24 encrypted radio channel with the sheriff's office.  
25 Only members of the special investigations division

1 have access to it. So we were communicating on that  
2 radio channel.

3 Q. Okay. Who's "we"?

4 A. Myself and Detective Proner at the time.

5 Q. Okay. And did Detective Proner give you any  
6 kind of information during that surveillance?

7 A. Yes, ma'am. There were several people coming  
8 and going, several vehicles coming and going also.  
9 So he was relaying the information of what -- what  
10 vehicle arrived and then what vehicle left.

11 Q. Okay. What did you do with the information  
12 that Detective Proner gave to you?

13 A. The information at the time, we just watched it  
14 for a short amount of time. Once we saw there was a  
15 lot of activity at the house, I then -- more people  
16 were listening to the radio channel. There were  
17 still people at work. So once they heard us  
18 speaking about it, then they asked if we needed more  
19 help and I went ahead and said, yes, help me get  
20 everybody in.

21 Q. Okay. And what did you do with -- you say you  
22 got everyone together. What does that mean?

23 A. I just -- everybody that was available to  
24 assist, either in a cold car to assist with  
25 surveillance or the special narcotics unit, which

1 they're there uniformed. The uniformed guys, we  
2 utilize for any kind of vehicle stops or anything  
3 else.

4 Those guys are in the area, and they were --  
5 they went ahead and conducted a proactive patrol in  
6 the area.

7 Q. Okay. And what is proactive patrol?

8 A. Proactive patrol is the areas that we have an  
9 influx of drug complaints, an area that is a problem  
10 area. They just respond to the area and just begin  
11 pulling vehicles over for traffic infractions. If  
12 they see suspicious people in the area, they get out  
13 and identify them. They -- they just -- they're  
14 strictly -- a strict role is to be in an area and be  
15 seen.

16 Q. Okay. And what, if anything, happened during  
17 that proactive patrol?

18 A. During that proactive patrol, the BMW, the tip  
19 that I received, arrived at the residence. And  
20 Detective Proner advised me of what he saw. Once  
21 that vehicle left, it was stopped for a traffic  
22 infraction.

23 Q. Okay. And let's go back a little bit. You  
24 said that the dark BMW was seen by Detective Proner  
25 at [REDACTED] Fairlane Drive?



1 A. Yes, ma'am.

2 Q. Okay. Was anyone with the female in the BMW?

3 A. So when the BMW arrived, it arrived with -- the  
4 first vehicle that pulled in was an S-10 Blazer,  
5 burgundy in color, and it was driven by a white  
6 male. And then the BMW pulled in behind it.

7 Q. Okay. And ---

8 A. He exited the vehicle and the female remained  
9 in the car.

10 Q. Okay. And had that Chevy Blazer previously  
11 been at [REDACTED] Fairlane Drive?

12 A. It was.

13 Q. And did you -- so the BMW was then stopped  
14 later?

15 A. After it left the house.

16 Q. After it left [REDACTED] Fairlane Drive?

17 A. Yes, ma'am.

18 Q. And did you personally observe that?

19 A. I didn't see the traffic stop. I just  
20 overheard it going over the radio.

21 Q. And. Were you able to determine who was  
22 driving the dark BMW?

23 A. At the time it was unknown. It was -- it was a  
24 guess. It was possibly Tara Thomason. I didn't  
25 receive any of the pictures or anything until

1 afterwards. Once the vehicle was stopped, she  
2 was -- the driver was identified by the person who  
3 initiated the stop.

4 Q. Okay. And what part, if any, did you take in  
5 that traffic stop?

6 A. I responded to the traffic stop once -- after,  
7 I believe it was, Deputy Earwood that stopped the  
8 vehicle in the area on 28. Lieutenant Scogins  
9 responded, and I then responded afterwards, but I  
10 only stayed a short amount of time.

11 As soon as I got on scene, I believe I gave  
12 them a camera. I think they were needing a camera,  
13 and I gave them mine. And Lieutenant Scogins  
14 advised me, said, hey, get in the car and head to  
15 the office because we're probably going to need a  
16 search warrant.

17 Q. Okay. Is that standard protocol?

18 A. To respond?

19 Q. What Detective Scogins did in this instance?

20 A. Oh, it's a -- it's a case-to-case basis.

21 Q. Okay.

22 A. And, you know, what was going on at the time.  
23 It was starting to get late at night. It was  
24 spur-of-the-moment operation with the tip and  
25 with -- it wasn't a planned operation. It was a tip

1       that we just decided to follow-up on and then we  
2       were able to corroborate some of the tip.

3       Q.     Okay. I'm going to show you what's been marked  
4       as State's Exhibit E for identification purposes.  
5       Detective, do you recognize that?

6       A.     Yes, ma'am. This is a CAD report.

7       Q.     Okay. Can you tell us specifically for what  
8       incident?

9       A.     Incident location was 28 and New Pond. The  
10      date was March 12th. The deputy that was assigned  
11      to this CAD report was Stephen Earwood. I believe  
12      it's going to be the CAD report for the traffic  
13      stop.

14      Q.     The traffic stop for Tara Thomason?

15      A.     Yes, ma'am.

16      Q.     Okay. And can you tell us based on that CAD  
17      what time that traffic stop would've begun?

18      A.     It says here it was created, date and time was  
19      1454 -- no, 2014, so I believe eight o'clock, 8:14.

20      Q.     8:14?

21      A.     Uh-huh.

22      Q.     Thank you so much.

23      A.     Yes, ma'am.

24      Q.     So you left the traffic stop that was at New  
25      Pond Road?

1 A. Yes.

2 Q. And went where?

3 A. I responded to our office, the narcotics  
4 office, which is in the area of Highway 24.

5 Q. Okay. About how long would you say it takes  
6 you to get from New Pond Road to Highway 24?

7 A. It took me roughly maybe 15, 20 minutes.

8 Q. Okay. And it was, so let's say, by then a  
9 little after 8:30?

10 A. Yes, ma'am.

11 Q. Okay. And it was after hours. How do you  
12 obtain a search warrant after hours?

13 A. There is an on-call magistrate judge that it  
14 just depends on the week. At the time the  
15 magistrate judge was Judge White.

16 Q. Okay.

17 A. I contacted him. Phone call first. And I -- I  
18 advised him that I was going to need a search  
19 warrant signed, and he advised me where he lived and  
20 I responded there after I got the search warrant  
21 completed on my end.

22 Q. Okay. So you headed to Judge White's home?

23 A. Yes, ma'am.

24 Q. Around what time did you head out that way?

25 A. Traffic stop was 8:14. I want to say a few

1 minutes. I'd say 8:45 to 9:00, maybe after. I  
2 wasn't really taking -- I wasn't really looking at  
3 the time.

4 Q. I understand you weren't keeping time. So  
5 whereabouts, just generally? Not the exact address,  
6 but what area of town does Judge White live in?

7 A. Judge White lives on the northern end of the  
8 county on 81 North. It's driving towards 85, so  
9 it's in between T.L. Hanna and where NewSpring  
10 Church is at.

11 Q. Okay. I'm showing you Defense Exhibit No. 1,  
12 the search warrant for [REDACTED] Fairlane Drive.

13 A. Yes, ma'am.

14 Q. On the front of this exhibit, it has a date and  
15 a time. Can you tell me what that is?

16 A. The date -- the date of the incident was March  
17 12, 2018. And Judge White's initials are here and  
18 signed, and it's signed by him at 9:52 p.m.

19 Q. Okay. And about how long does it take you to  
20 get from Judge White's house back to [REDACTED] Fairlane  
21 Drive?

22 A. Like I said, he lives on the northern end of 81  
23 North, and this incident occurred right in the heart  
24 of Homeland Park. So it would be 30, 35 minutes,  
25 maybe a little more.

1 Q. Okay. And on the return page of Defense  
2 Exhibit No. 1, can you tell us what it says at the  
3 top here?

4 A. Yes, ma'am. It's a return that says, "I  
5 received the attached search warrant on that date,  
6 March 12, 2018, and have executed it as following on  
7 March 12, 2018, at 10:27 p.m." And then it says, "I  
8 searched [REDACTED] Fairlane Drive," whoever executed the  
9 search warrant.

10 Q. Okay. And that would've been around the time  
11 that you started searching [REDACTED] Fairlane Drive at  
12 10:27?

13 A. Yes, ma'am.

14 Q. Okay. I'm going to show you what's been marked  
15 State's Exhibit 1. Can you tell us what that is?

16 A. Yes, ma'am. This is a search inventory log.  
17 We utilize this any time we're executing a search  
18 warrant. The case number is at the top, which is  
19 this case number, 2018-04469. Under it is a date of  
20 March 12, 2018.

21 It has Anderson County Sheriff's Office search  
22 inventory and the side and has page one of two, so  
23 that means there's two pages to the search warrant.  
24 All items were itemized on the side from the left  
25 side. If it's a drug item, it's labelled as D-1.

1 If it's a nondrug, it's labelled as D-2 -- ND-2,  
2 nondrug. Currency is labelled (C) for currency and  
3 so on.

4 Q. Okay. And can you tell us a little bit about  
5 how that's created?

6 A. Yes, ma'am. Whoever is executing the search  
7 warrant and whoever the evidence -- usually, whoever  
8 executes the search warrant is the evidence  
9 collector. It just makes the job a lot easier.

10 So that person uses that log and itemizes every  
11 item that's located. The location it's found is put  
12 on here, the time it was found, and who it was found  
13 by. The person who's collecting it is going to be  
14 the person doing the collection by and who  
15 transported it. All these items will be items to  
16 identify.

17 Q. Okay. And according to this evidence log, what  
18 time was the first item of evidence collected?

19 A. According to the log that was completed by  
20 Detective Wood, it was 10:54 p.m., the first item.

21 Q. Okay. So we've said a couple of times that  
22 this happened a little later in the evening. You've  
23 been doing surveillance for -- or Detective Pruner,  
24 I should say, has been sitting in the woods for  
25 about four hours at this point?

1 A. Yes, ma'am.

2 Q. Okay. And I think it's fair to say that your  
3 team entered [REDACTED] Fairlane Drive without a search  
4 warrant? You were in the process of getting that  
5 search warrant when they entered the home for the  
6 first time?

7 A. Yes, ma'am.

8 Q. Okay. Is that protocol?

9 A. At the time due to evidence preservation and  
10 officer safety, we went -- or the deputies and  
11 detectives went to the house to secure the  
12 residence.

13 Q. Okay. Can you tell us a little bit about what  
14 you mean by "evidence preservation" and "officer  
15 safety"?

16 A. Yes, ma'am. So, obviously, this residence was  
17 being utilized to distribute methamphetamine.

18 Q. Okay. How do you know that?

19 A. Because the person who was pulled over  
20 admitted -- openly admitted -- voluntarily admitted  
21 that she had just dropped off a quantity of  
22 methamphetamine at the house.

23 Q. Okay. Keep going. I'm sorry. I didn't mean  
24 to interrupt you.

25 A. I'm sorry. Lost my track.



1 Q. I'm sorry. So what I had originally asked was,  
2 what do you mean by "officer safety" and "evidence  
3 preservation"?

4 A. So the evidence preservation, there was people  
5 coming and going from the house during the whole  
6 time we were doing surveillance. This was observed  
7 by Detective Proner.

8 So with the evidence preservation, if people  
9 are coming and going, there's a possibility that  
10 drugs are being transported out of there possibly.

11 So with the information that was given and the  
12 time that we had at the time, it was -- the  
13 determination was made, hey, we need to go secure  
14 this residence. Nobody comes. Nobody goes. Leave  
15 everything until we get the search warrant.

16 Officer safety, there's no -- there's always  
17 officer safety issues, especially when drugs are  
18 involved. There was possibly weapons and violent  
19 people involved.

20 Q. Okay. And did you know about how long it was  
21 going to take you to secure that search warrant when  
22 you went to get it?

23 A. No, ma'am. I had to -- I had to generate the  
24 search warrant from scratch. I had to get the  
25 description on there. I had to get -- I had to put

1 my -- my narrative in there for the affiant's  
2 belief. And I had to -- I had to go to the judge's  
3 house then and explain the search warrant to him.  
4 So, no, I didn't know how long it was going to take.

5 Q. But you could safely say that it wasn't going  
6 to be a quick ---

7 A. No, ma'am.

8 Q. --- procedure?

9 A. No, ma'am. It was not.

10 Q. Okay. Detective, I'm showing you what's been  
11 marked as State's Exhibit F for identification only.  
12 Can you take a look at that for me, please?

13 A. Yes, ma'am.

14 Q. Can you tell us what it is?

15 A. This is a CAD report from dispatch. The  
16 incident location is [REDACTED] Fairlane Drive. It was  
17 created on March 12th at 2055, so that would make it  
18 8:55, I believe.

19 Q. Okay. And did you say, I'm sorry, what that  
20 was a CAD report for?

21 A. Yes, ma'am. It was for -- this was generated  
22 once detectives arrived on scene to secure the  
23 residence.

24 Q. Okay. So they secured the residence as 9:55.  
25 You were back on scene with that search warrant

1 at ---

2 MR. LUCAS: I'm going to object to that. It's  
3 a misstatement. It's 8:55.

4 BY MS. HUCKER:

5 Q. Oh, excuse me. I'm sorry. 8:55. They -- they  
6 arrived on scene at 8:55. The traffic stop with  
7 Tara Thomason happened -- began rather, you said,  
8 9:14 roughly? Eight -- excuse me. I'm sorry. 8 --  
9 8:14?

10 A. Yes, ma'am.

11 Q. Okay. So -- and then you arrived on scene some  
12 time before 10:27 ---

13 A. Yes, ma'am.

14 Q. --- correct?

15 THE COURT: That's with the warrant?

16 MS. HUCKER: With the warrant, Judge.

17 BY MS. HUCKER:

18 Q. And it took you a little over an hour to get  
19 your warrant secured?

20 A. Yes, ma'am. That was actually good timing for  
21 a search warrant late at night and having to call  
22 the judge.

23 Q. Okay. And your team went in to secure the  
24 residence you said?

25 A. Yes, ma'am.

1 Q. What does "secure the residence" mean?

2 A. Detain everybody on scene. They're not there  
3 to search. They're there to detain and wait for the  
4 search warrant to arrive.

5 Q. Okay. And you were not on scene when they did  
6 that?

7 A. No, ma'am.

8 Q. Okay. Was the defendant detained while the  
9 residence was being secured?

10 A. That's what I was told. Yes, ma'am.

11 Q. Okay. And where was she when you arrived on  
12 scene?

13 A. When I arrived on the scene, she was in the  
14 living room area with the rest of the subjects that  
15 were detained.

16 Q. And did you have occasion to meet with the  
17 defendant in regards to taking a statement from her?

18 A. Yes.

19 Q. When was the statement made?

20 A. After the search warrant was read.

21 Q. So some time after 10:27?

22 A. Yes, ma'am.

23 Q. Were you ever concerned that the defendant was  
24 under the influence of alcohol or drugs to the  
25 extent that would impair her ability to understand

1       what was happening?

2       A.    No, ma'am.

3       Q.    Were you ever concerned that the defendant had  
4       any physical or mental disability that would impair  
5       her understanding of what was being said or what was  
6       being asked?

7       A.    No, ma'am.

8       Q.    Okay.  Where was the statement taken?

9       A.    I relocated her to a bedroom where she was  
10      detained at, which it's the bedroom -- if you walk  
11      in through the carport, that's where everybody --  
12      the front door was never utilized to walk in and  
13      out.  I believe there was a bunch of stuff in the  
14      doorway maybe or the door couldn't be opened.

15            But we walk in through the -- through the  
16      carport, go through the kitchen there.  The living  
17      room area is going to be to the left, and there's  
18      going to be a doorway to the right.

19            When you go through the doorway, there's a  
20      room -- there's rooms to the left side.  We entered  
21      the room to the right side, which is closest to the  
22      front door.  That's the room that she was detained  
23      in.  It was right inside the door.

24      Q.    Okay.  And is that the room where she made the  
25      statement to you?

1 A. Yes, ma'am.

2 Q. And can you describe that room for me? What  
3 was in there?

4 A. Ma'am?

5 Q. What was in that room?

6 A. There was a bed in there. There was a TV.  
7 There was clothes everywhere. The windows, if you  
8 walk in the door or walk in the doorway, the windows  
9 to the left side are facing the road. So there's  
10 just -- there was a bunch of stuff and a bunch of  
11 clothes and a bunch of stuff thrown around.

12 Q. Okay. So the two of you went into the room.  
13 Was the door open or closed?

14 A. It was open.

15 Q. Where was the defendant in the room? Was she  
16 seated or standing?

17 A. Standing.

18 Q. Where were you in relation to her?

19 A. I was standing right beside her.

20 Q. Okay. Were you blocking the doorway? Were you  
21 trying to keep her from leaving the room at all?

22 A. No, ma'am.

23 Q. Okay. Were you in uniform?

24 A. No, ma'am.

25 Q. Were you armed?

1 A. Yes, ma'am.

2 Q. Okay. Was that -- was that firearm visible?

3 A. No. Me being part of the narcotics  
4 investigation unit, I do wear plain clothes. So I  
5 have my badge on. My gun usually is in my -- on my  
6 waist with a shirt covering it concealed there.

7 Q. Okay. And how long did you speak with the  
8 defendant?

9 A. Maybe ten minutes.

10 Q. Did you take any breaks?

11 A. No, ma'am.

12 Q. Was she ever denied access to telephone? a  
13 bathroom? food? drink?

14 A. She never asked.

15 Q. Never asked for anything in that ten minute?

16 A. Never asked for anything. No, ma'am.

17 Q. Okay. And were any threats or promises made in  
18 exchange for her statement?

19 A. No, ma'am.

20 Q. Detective, I'm showing you State's Exhibit 2.  
21 Can you tell me what that is?

22 A. Yes, ma'am. It's a picture of the defendant.

23 Q. Okay. And do you know when that was taken  
24 roughly?

25 A. This must've been when the search warrant was

1       being read.

2       Q.     Okay.  And does she have handcuffs on in that  
3       photo?

4       A.     No, ma'am.

5       Q.     Okay.  Thank you.  Was the defendant under  
6       arrest at the time that she gave you her statement?

7       A.     She was not under arrest.  She was being  
8       detained.

9       Q.     Was she handcuffed at the time that she gave  
10      you her statement?

11      A.     Yes, ma'am.  She was handcuffed in the front.

12      Q.     Okay.  And was the defendant free to go during  
13      the time of questioning?

14      A.     No, ma'am.  She was being detained due to the  
15      drug investigation.

16      Q.     Was the defendant aware of the nature of the  
17      investigation?

18      A.     Yes, ma'am.  The search warrant was read out to  
19      her.

20      Q.     And before speaking with the defendant, was she  
21      advised of her Miranda rights?

22      A.     Yes, ma'am.  Detective at the time, now  
23      Sergeant Hendrix, read off -- read the Miranda  
24      warning to her.

25      Q.     And were you a witness to that?



1 A. Yes, ma'am.

2 Q. Did he recite it from memory or did he read  
3 from a card?

4 A. We have a card we have that has the Miranda  
5 warning on it.

6 Q. And did the defendant answer the questions and  
7 appear rational and responsive?

8 A. Yes, ma'am.

9 Q. Did you or anyone in your presence threaten or  
10 coerce her in any fashion?

11 A. No, ma'am.

12 Q. Did you offer her any promises or hope of  
13 reward?

14 A. No, ma'am.

15 Q. Did it appear to you that the defendant under  
16 her Miranda warning?

17 A. Yes, ma'am.

18 Q. Did it appear to you the defendant waived her  
19 Miranda rights?

20 A. Yes, ma'am.

21 Q. Did she ever later change her mind and ask to  
22 stop questioning because she wanted an attorney?

23 A. No, ma'am.

24 Q. Did she sign the waiver of her Miranda rights?

25 A. No, ma'am.

1 Q. Okay. Why not?

2 A. Just there was too much going on at the time.  
3 I advised her or Detective Hendrix at the time  
4 advised her. Our card says, "Do you wish to waive  
5 your rights?" She answered yes. There was just way  
6 too much stuff going on.

7 Q. Okay. And we don't have a written copy of this  
8 statement either, correct?

9 A. No, ma'am.

10 Q. And is it protocol that you take verbal  
11 statements from your witnesses and defendants during  
12 the execution of search warrants?

13 A. If -- we can either -- they can either verbally  
14 tell us. We can -- we can write it or we can take a  
15 recording.

16 Q. Okay. And in this case, you chose to do a  
17 verbal statement?

18 A. Yes, ma'am.

19 Q. And after waiving the -- after waiving her  
20 rights, did the defendant give you a statement?

21 A. Yes, ma'am, she did.

22 Q. To the best of your knowledge, was the  
23 defendant's statement freely and voluntarily given?

24 A. Yes, ma'am.

25 Q. And what did she tell you?

1 A. She told me that when the detectives or  
2 prior -- I'm just -- I'm trying to remember. She  
3 told me that Cecil Walters or Roy Walters hid a  
4 medicine bag, a red medicine bag, and there was  
5 methamphetamine in it. And that her and Roy had  
6 purchased it from Tara Thomason. And she also gave  
7 me the description of the vehicle Tara Thomason was  
8 driving.

9 MS. HUCKER: I have nothing further. Please  
10 answer anything Mr. Lucas may have for you.

11 JACKSON V. DENNO CROSS-EXAMINATION

12 BY MR. LUCAS:

13 Q. Detective Acevedo, you were the lead detective  
14 in this case, correct?

15 A. Correct.

16 Q. And as such, you're familiar with the time line  
17 of this case?

18 A. Right about.

19 Q. Such as when surveillance was conducted when  
20 the -- go ahead. I'm sorry.

21 A. Go ahead.

22 Q. So you're familiar with when surveillance was  
23 conducted?

24 A. Yes.

25 Q. When police went into the house?

1 A. Yes.

2 Q. And when a search warrant was obtained?

3 A. Yes, sir.

4 Q. And we have gone over that -- or you and  
5 Ms. Hucker have gone over that time line, correct?

6 A. Correct.

7 Q. And you testified that the traffic stop of Tara  
8 Thomason took place at 8:15?

9 A. 8:14.

10 Q. Sorry. 8:14?

11 A. Uh-huh.

12 Q. And that you didn't get a warrant until  
13 9:52 p.m.?

14 A. Correct.

15 Q. And that search warrant was not executed until  
16 10:27 p.m.?

17 A. Correct.

18 Q. Executed meaning it didn't get into -- it did  
19 not get to the house until that time?

20 A. Executed means the warrant had been read off  
21 and then the searching begins afterwards.

22 Q. And you also testified that police entered the  
23 house at 8:55 p.m.?

24 A. I believe so.

25 MR. LUCAS: Permission to approach the witness,

1 Your Honor?

2 THE COURT: Sure.

3 BY MR. LUCAS:

4 Q. Are you familiar with that document, sir?

5 A. I am.

6 Q. Would you tell the Court what it is, please?

7 A. This is an incident report.

8 Q. From the March 12th events related to this  
9 case?

10 A. Correct.

11 Q. And your report indicates that a black sports  
12 car arrived at the house?

13 A. Correct.

14 Q. And that eventually Ms. Thomason, the driver of  
15 the black -- black sports car, was pulled over?

16 A. Uh-huh. Yes, sir.

17 Q. And that she spoke to law enforcement and gave  
18 them certain information?

19 A. Correct.

20 Q. And your report says that as a result of that  
21 information, you got a search warrant for [REDACTED]  
22 Fairlane Drive?

23 A. Correct.

24 Q. And your report also says as Detective Acevedo  
25 obtained your search warrant, detectives from the

1 special investigations unit responded to [REDACTED]  
2 Fairlane Road to secure the residence and preserve  
3 the evidence?

4 A. That's correct.

5 Q. But as we've heard, there's actually a -- about  
6 an hour long gap between when the house was secured  
7 and when you got the warrant, correct?

8 A. That's correct.

9 Q. Because the house was secured at 8:55?

10 A. Correct.

11 Q. And the warrant was signed by Judge Wesley  
12 White at 9:52 p.m.?

13 A. Correct.

14 Q. So we'd say that's, give or take, 57 minutes?

15 A. Correct.

16 Q. And Ms. Hucker showed you a search warrant  
17 inventory earlier and that indicated that the  
18 warrant was executed at 10:27?

19 A. Correct.

20 Q. So exactly 1 hour and 32 minutes after the  
21 house was secured?

22 A. That's right.

23 Q. And at the time that police entered the home to  
24 secure it, they didn't have an arrest warrant for  
25 anyone in the home either?

1 A. Right.

2 Q. So no arrest warrant for Nancy Carswell?

3 A. Not at the time.

4 Q. And no arrest warrant for her co-defendant, Roy  
5 Lee Walters?

6 A. Correct.

7 Q. And you got arrest warrants the following day,  
8 March 13, 2018?

9 A. That's correct.

10 Q. And you've testified that when you got to the  
11 house, that Nancy Carswell was detained?

12 A. Correct.

13 Q. And, in fact, when police went into the house,  
14 they detained everyone?

15 A. That's correct.

16 Q. And when you interviewed with her, she was  
17 hand -- or when you interviewed her, she was  
18 handcuffed, correct?

19 A. Correct.

20 Q. And at that point, she was not free to go?

21 A. No.

22 Q. And at about what time did you interview  
23 Ms. Carswell?

24 A. After the search warrant was read off, a few  
25 minutes after.

1 Q. So, I mean, what does that mean, 10 minutes,  
2 15 minutes later?

3 A. I don't remember. It was few minutes after.

4 Q. And did you -- you testified you didn't record  
5 that statement in any way?

6 A. No.

7 Q. Did you take any notes about speaking with her?

8 A. I did.

9 Q. You did. And was anyone else with you when she  
10 gave this alleged statement?

11 A. There was people coming -- there was people  
12 everywhere. At the time that she was there, there  
13 was nobody around. There was people around, but not  
14 paying attention to me or her.

15 Q. Okay. So no one else listened to your  
16 interview with her?

17 A. No.

18 Q. And it was your testimony that Detective  
19 Hendrix Mirandized Ms. Carswell?

20 A. I witnessed it.

21 Q. And it's my understanding that you were not  
22 present when law enforcement initially entered the  
23 home?

24 A. No.

25 Q. And you arrived at the home at the same time as



1 the search warrant? Would that be fair to say?

2 A. I had the search warrant with me, so, yes.

3 Q. Okay. So you arrived at [REDACTED] Fairlane Drive at  
4 roughly 10:27 p.m. or a few minute earlier?

5 A. It was earlier than that.

6 Q. And how long have you worked in law  
7 enforcement, Detective Acevedo?

8 A. Over ten years.

9 Q. How long have you been a detective?

10 A. Three and a half.

11 Q. As part of that, are you trained to write  
12 incident reports?

13 A. I am.

14 Q. And you're trained to write accurate incident  
15 reports?

16 A. I am.

17 Q. That include all the relevant information?

18 A. That's correct.

19 Q. Not to omit pertinent details?

20 A. That's right.

21 Q. And the reason you write incident reports in  
22 this way is because you might have to rely on them  
23 in the future, correct?

24 A. That's right.

25 Q. Including to testify?

1 A. Yep.

2 Q. As you're doing here today?

3 A. That's right.

4 Q. Now, you would acknowledge that your report  
5 does not contain any mention of exigent  
6 circumstances?

7 A. It says right here in the middle of my  
8 supplemental, "As Detective Acevedo obtained the  
9 search warrant, detectives from the special  
10 investigations division respond to [REDACTED] Fairlane Road  
11 in Anderson, South Carolina, to secure the residence  
12 and preserve evidence."

13 Q. That's not exigent circumstances, is it? That  
14 was the question, whether it included any mention of  
15 exigent circumstances.

16 A. Exigent circumstances are in your affidavit  
17 that you have in front of you and the search  
18 warrant, and that was to preserve evidence.

19 Q. And there's no mention in your report of anyone  
20 in the house trying to destroy evidence?

21 A. We -- I -- I wasn't there, so I don't know. I  
22 don't know if they were trying to destroy it or hide  
23 it or what. I went in with the information that I  
24 had. I obtained the search warrant and responded to  
25 the residence.

1 Q. But there's nothing in your report about that?

2 A. In my report it states where Tara Thomason  
3 openly admitted that she had just delivered  
4 methamphetamine to the house.

5 Q. There's no mention in your report of anyone  
6 trying to destroy the evidence?

7 A. No. There's not.

8 Q. There's also no mention in your report of  
9 anyone trying to leave the home?

10 A. There was people coming and going the whole  
11 time.

12 Q. There's no mention of Nancy Carswell trying to  
13 leave the home?

14 A. No.

15 Q. And there's no mention in your report of police  
16 having any reason to fear that the drugs would be  
17 removed from the house, is there?

18 A. We didn't know at the time. Like I -- like I  
19 told you earlier, there was people coming and going  
20 the whole time we were doing surveillance.

21 Q. There's no mention of anyone fleeing?

22 A. I don't know if anybody tried to run or not. I  
23 was obtaining a search warrant when they went there.

24 Q. And there's no mention of anyone in the home  
25 being in danger?

1 A. Again, I was obtaining a search warrant.

2 Q. And there's no mention of any police officer  
3 being in danger either?

4 A. Sir, again, we don't know what the situation  
5 will be on a case to case basis. We don't know if  
6 somebody's armed. We don't know if somebody's in  
7 there with arrest warrants. Maybe somebody that  
8 doesn't like law enforcement. I don't know. We  
9 didn't know at the time.

10 Q. And in your testimony earlier, you said that  
11 there could possibly be weapons there?

12 A. Any time anywhere there's possible weapons.

13 Q. And you said there could possibly be violent  
14 people?

15 A. Possibly meaning maybe.

16 Q. So you didn't know for sure?

17 A. No, I didn't.

18 MR. LUCAS: Beg the Court's indulgence for just  
19 a moment, Your Honor.

20 THE COURT: Sure.

21 BY MR. LUCAS:

22 Q. Detective Acevedo, I just handed you what was  
23 marked as Defense Exhibit No. 1. Would you tell  
24 the -- the Court what that is, please?

25 A. It's a search warrant.

1 Q. And does that also include an affidavit?

2 A. It does.

3 Q. And that's the supporting affidavit that you  
4 prepared and submitted to Judge White for his  
5 approval?

6 A. Correct.

7 Q. And in that affidavit, you wrote towards the  
8 bottom of the first page, "Detectives and deputies  
9 from the special investigations unit responded to  
10 [REDACTED] Fairlane Drive in Anderson County and secured  
11 all occupants along with the residence for evidence  
12 preservation."

13 A. Correct.

14 Q. And you also wrote two sentences later, "Based  
15 on the information gathered during the investigation  
16 and traffic stops, it's the belief of your affiant  
17 that the residence is utilized continually  
18 distributing methamphetamine and that a search of  
19 the residence will provide additional information  
20 for the investigation into narcotics distribution  
21 conducted by Elaine Driver and other occupants of  
22 [REDACTED] Fairlane Drive."

23 A. Correct.

24 Q. Okay. Thank you. Can I get that back from  
25 you, please?

1 A. (Complying.)

2 Q. Thanks. Now, Detective Acevedo, as the lead  
3 investigator, you're aware that law enforcement met  
4 to hold a briefing before going into the home,  
5 correct?

6 A. I was told afterwards. Yes.

7 Q. Did you attend the briefing?

8 A. No.

9 Q. When and where was it held?

10 A. I don't know. I was getting a search warrant.

11 MR. LUCAS: Beg the Court's indulgence for just  
12 a moment, Your Honor.

13 THE COURT: Sure.

14 BY MR. LUCAS:

15 Q. Just one more question, Detective Acevedo, and  
16 if you could flip back to your incident report,  
17 please.

18 A. (Complying.)

19 Q. At the top, fifth line down, it says "Incident  
20 date March 12, 2018," correct?

21 A. Correct.

22 Q. And next to that, it says, "24-hour clock,  
23 1730"?

24 A. Correct.

25 Q. And that means 5:30?

1 A. That's correct.

2 Q. And you put that in your report because that's  
3 the time surveillance started?

4 A. Around about.

5 MR. LUCAS: And, Your Honor, we would just  
6 offer the report as a Court's exhibit.

7 THE COURT: Any objection?

8 MS. HUCKER: None, Your Honor.

9 THE COURT: Without objection.

10 (Court's Exhibit No. 1 was received into  
11 evidence.)

12 MR. LUCAS: And I don't have any further  
13 questions for this witness at this time.

14 THE COURT: Anything on redirect?

15 MS. HUCKER: Judge, just briefly.

16 JACKSON V. DENNO REDIRECT EXAMINATION

17 BY MS. HUCKER:

18 Q. Detective, you told Mr. Lucas that you took  
19 some notes of your conversation with Ms. Thomason?

20 A. I did.

21 Q. Detective, I'm showing you what's been marked  
22 as State's Exhibit No. 3. Can you tell us what that  
23 is?

24 A. Yes, ma'am. Sorry for the handwriting. This  
25 is just notes I took.

1 Q. Notes that you took when?

2 A. When I was -- when I was talking to her.

3 Q. Talking to who?

4 A. To Elaine Driver.

5 Q. Okay. And Elaine Driver is Nancy Carswell?

6 A. Yes, ma'am.

7 Q. Okay. Can you tell us what those notes say on  
8 that first and second line?

9 A. "Tara come over or came over, brought it here.  
10 Little Roy -- Little Roy is a nickname -- is a  
11 nickname for Cecil Roy."

12 Q. Okay. And what does -- what does that mean to  
13 you, these are your notes after all?

14 A. Yes, ma'am. That Tara came over to the house.  
15 She brought the meth there. And Little Roy or Cecil  
16 was involved in it with her.

17 Q. Okay. And on these next two lines, what do  
18 those say?

19 A. It was just follow-up questions that I had for  
20 her. It said how long she'd been dealing with her.  
21 It says they've been dealing with him since she got  
22 out of jail, and she went to prison for four months.

23 Q. Okay. And she goes on to give you some  
24 additional information, correct?

25 A. Yes, ma'am. Just additional information from



1 the past of her dealings with drugs and who she's  
2 been dealing with.

3 Q. Okay. Great. Thank you.

4 A. Yes, ma'am.

5 Q. One additional question. I'm sorry. At the  
6 very top of the paper, it says 148 grams, correct?

7 A. Yes, ma'am.

8 Q. What does that mean?

9 A. 148 grams of drugs, meth. I believe that's  
10 what was located in the house.

11 MS. HUCKER: Thank you. I have no further  
12 questions.

13 MR. LUCAS: Your Honor, could I briefly  
14 redirect?

15 THE COURT: Sure. I'll allow it. Go ahead.

16 MR. LUCAS: Thank you, Your Honor.

17 JACKSON V. DENNO RECROSS EXAMINATION

18 BY MR. LUCAS:

19 Q. Were those drugs found before or after she gave  
20 a statement?

21 A. I can't recall. I want to say after or  
22 maybe -- no. No. No. Her statement was shortly  
23 after the warrant was signed, so they were searching  
24 room to room. So, no, I pulled her to the side and  
25 spoke to her.

1 Q. So it's your testimony that you spoke with her  
2 before the 148 grams of methamphetamine were found?

3 A. I may have put that on the top after --  
4 afterwards because we did not weigh any drugs or  
5 anything.

6 Q. And just to get a few more things in. There  
7 was also some other evidence discovered during the  
8 search that you're aware of ---

9 A. I believe.

10 Q. --- a ledger, and a notebook ledger that you  
11 intend to introduce as well at some point or that  
12 the State will introduce into evidence?

13 A. (No response.)

14 MR. LUCAS: All right. I'll withdraw the  
15 question at this time. Thank you. Nothing further.

16 THE COURT: You can step down.

17 THE WITNESS: Thank you, Judge.

18 (Witness excused.)

19 MS. HUCKER: State calls Sergeant Hendrix.

20 (Witness approached.)

21 THE CLERK: Would you please come forward and  
22 raise your right hand?

23 THE WITNESS: Sure will.

24 THE CLERK: Do you solemnly swear or affirm the  
25 testimony that you're about to give shall be the

1 truth, the whole truth, and nothing but the truth?

2 THE WITNESS: I do.

3 THE CLERK: Sir, if you would, please come  
4 around and take a seat at the witness stand.

5 THE WITNESS: (Complying.)

6 THE COURT: If you would, state your full name  
7 for the court reporter and spell your last name so  
8 we have it right.

9 THE WITNESS: Yes, sir. It's Alan Hendrix,  
10 H-e-n-d-r-i-x.

11 SERGEANT ALAN HENDRIX,  
12 having been produced and first duly sworn as a  
13 witness on behalf of the State, testified as  
14 follows:

15 JACKSON V. DENNO DIRECT EXAMINATION

16 BY MS. HUCKER:

17 Q. Sergeant Hendrix, is that correct, a sergeant  
18 now?

19 A. That's correct.

20 Q. Okay. By whom are you employed?

21 A. Employed by the Anderson County Sheriff's  
22 Office.

23 Q. And what's your current position?

24 A. I'm a sergeant within the narcotics  
25 investigative unit.

1 Q. And was that your position in March of 2018?

2 A. March of 2018, I was a detective within the  
3 narcotics investigative unit.

4 Q. Okay. And did you have an occasion to  
5 encounter Nancy Elaine Carswell or Elaine Driver in  
6 March of 2018?

7 A. I did.

8 Q. Under what circumstances?

9 A. We had executed a search warrant on Fairlane  
10 Drive, the residence where she was staying at.

11 Q. Okay. What did you do as part of execution in  
12 that search warrant?

13 A. So my -- my initial job or duty was to clear  
14 the residence. Once the residence was secured, we  
15 detained everyone. And then my job was to provide  
16 scene security, which that entailed me watching over  
17 the residence -- the people inside the residence.

18 Q. Okay. And who did you detain as part of this  
19 search warrant?

20 A. I know Ms. Driver was one of them. I can't  
21 remember the -- I believe there was four people in  
22 that first bedroom that I encountered. I can't  
23 remember all their names, but that -- it is in my  
24 supplemental report that I did.

25 Once those people were detained, I actually

1 moved into a second bedroom. There were two  
2 juveniles and an adult male in that one, and we  
3 moved everyone into a living room area so I could  
4 oversee all of them.

5 Q. Okay. And why did you do that?

6 A. Well, that's just -- as part of scene security,  
7 that's the easiest way to -- to keep a watch over  
8 everyone so that they're -- when we're executing  
9 this warrant, they're not roaming free or anything  
10 like that throughout the house.

11 Q. Okay. So I know that you went in prior to the  
12 search warrant arriving on scene?

13 A. That's correct.

14 Q. Okay. So when you went in prior to that search  
15 warrant, what did you do?

16 A. We went in. I went to a -- to a bedroom on the  
17 right there. That's where everyone was detained.  
18 And then we detained the other individuals in the  
19 second bedroom. And then we just maintained that.  
20 We didn't do any -- anything else other than that,  
21 until the search warrant arrived.

22 Q. When you say "maintained that," do you mean you  
23 kept them in that bedroom?

24 A. I kept them in that bedroom until we moved them  
25 into the living room.

1 Q. Okay. And what does "detained" mean? What did  
2 you do to detain them?

3 A. So they were placed in handcuffs as part of  
4 the -- as being detained.

5 Q. Okay. Did you pat them down? Did you make  
6 them continue to lay on the carpet? What did you do  
7 with them after they were handcuffed?

8 A. When they were handcuffed, we -- we sit  
9 everybody up either in a chair, or if they don't  
10 have a chair available, they'll stand there with us,  
11 but they -- they were patted down. I -- I don't  
12 remember it being me that patted them down, but  
13 general protocol is when you're detained, you are  
14 patted down for any weapons.

15 Q. Okay. So you then waited for the search  
16 warrant to arrive. Were you waiting in the living  
17 room or were you waiting in the bedroom?

18 A. At that time we were waiting in the bedroom  
19 because the search warrant hadn't arrived yet, so we  
20 didn't move anybody until the search warrant got  
21 there.

22 Q. Okay. And did you search anything while you  
23 were waiting for the search warrant to arrive?

24 A. No, ma'am.

25 Q. Okay. And after the search warrant arrived, is

1           that when you moved everyone into the living room?

2           A.     We moved everyone in there and that way we  
3           could read off the warrants. And then that's when  
4           we read off the Miranda warning and everything like  
5           that.

6           Q.     Okay. How many people were in the room when  
7           you did that?

8           A.     I want to say that there were seven people.

9           Q.     Okay. Was the defendant among those seven  
10          people?

11          A.     Correct.

12          Q.     And where was she in relation to you as you  
13          were reading the Miranda warnings?

14          A.     Honestly, don't remember. I know she was in  
15          the room, but I don't remember where she was placed  
16          in that room.

17          Q.     Okay. And when you say you Mirandized everyone  
18          in the room, can you explain how you did that?

19          A.     Yes. So we have a card, which I have with me  
20          that I read off every time that we read Miranda to  
21          anybody, so I read verbatim what is on the card.  
22          And I have that card if we need to supply it.

23          Q.     Can you read that to me?

24          A.     I can. It says -- it starts off, it says,  
25          "Miranda warning, number one: You have the right to

1 remain silent. Number two: Anything you say can  
2 and will be used against you in a court of law.  
3 Number three: You have the right to talk to a  
4 lawyer, have him or her present with you while  
5 you're being questioned. Number four: If you  
6 cannot afford to hire a lawyer, one will be  
7 appointed to represent you during any questions if  
8 you wish. And number five: You can decide at any  
9 time to exercise these rights and not answer any  
10 questions or make any statements."

11 And then the bottom of it has a waiver. "Do  
12 you understand these rights that I've explained to  
13 you? And having these rights in mind, do you wish  
14 to talk now?"

15 Q. Okay. And you read that entire card to  
16 everyone in this room?

17 A. That's correct.

18 Q. Okay. And were you ever concerned that the  
19 defendant, particularly Nancy Carswell, were you  
20 ever concerned that she was under the influence of  
21 alcohol or drugs to the extent that it would impair  
22 her ability to understand what was happening?

23 A. Did not appear to me that she was.

24 Q. Okay. And were you ever concerned the  
25 defendant had any physical or mental disabilities



1       that would've impaired her ability to understand  
2       what was happening or being said or what was being  
3       asked?

4       A.    No.

5       Q.    Okay. Did it appear to you that the defendant  
6       understood her Miranda rights?

7       A.    Yes. And I even -- every time that I read it  
8       off, I ask to make sure because I go line by line  
9       and I ask, "Do you understand this?" and, you know,  
10      everybody says either "yes" or "no." If they say  
11      no, then I'll re-explain it. And if -- if they  
12      continue, then we'll just continuing explaining it  
13      until they say they understand it.

14      Q.    So she gave you a verbal response to every line  
15      on that card?

16      A.    That's correct.

17      Q.    Does that include the waiver?

18      A.    That does.

19      Q.    So she verbally waived her right to counsel to  
20      you?

21      A.    Correct.

22            MS. HUCKER: Thank you. I have no further  
23      questions. Please any questions Mr. Lucas may have  
24      for you.

25            THE WITNESS: Sure.

1 MR. OPPERMAN: Should just be a few questions.

2 THE COURT: Okay.

3 JACKSON V. DENNO CROSS-EXAMINATION

4 BY MR. OPPERMAN:

5 Q. A lot of what I was going to ask you about,  
6 Ms. Hucker just covered so we're going to narrow it  
7 down.

8 A. Yes, sir.

9 Q. So you go in at approximately 8:55 on  
10 March 12th; is that right?

11 A. That sounds about right.

12 Q. Okay. And shortly after entering, you locate  
13 four individuals in what's labelled as "bedroom  
14 one," right?

15 A. Yes, sir.

16 Q. And those are Roy Cecil Waters -- I'm referring  
17 to your report ---

18 A. Yes, sir.

19 Q. --- if you want to take a look at that.

20 --- Julie Danette Hanks, Steven Dennis Harris, and  
21 Nancy Elaine Driver, later identified as Nancy  
22 Carswell, right?

23 A. Correct.

24 Q. Okay. Now, I'm going to let you take a look at  
25 the report here.

1 MR. OPPERMAN: Judge, do you mind if I  
2 approach?

3 THE COURT: No. No problem.

4 BY MR. OPPERMAN:

5 Q. All right. This is referring, if you'll  
6 notice, to locate those individuals.

7 A. Right.

8 Q. Now, this is the next page on the supplemental  
9 report.

10 A. Yes, sir.

11 Q. So you get those individuals together, and you  
12 read them their Miranda warning, right?

13 A. Correct.

14 Q. Okay. And Detective Wood saw that happening?

15 A. That's right.

16 Q. Okay. And they all said they understood,  
17 right?

18 A. Yes, sir.

19 Q. Okay. And you explained to them they'd all be  
20 under the same Miranda warning the whole time you're  
21 there, right?

22 A. That's correct.

23 Q. Okay. Now, you also found three other people  
24 in the house?

25 A. Yes. They were in a different bedroom. If I

1       remember correctly, it's bedroom number three that  
2       that would be labelled as.

3       Q.     Okay. And I'll leave this for you here. When  
4       you Mirandized the individuals, you said that was in  
5       the central living area; is that right?

6       A.     It was.

7       Q.     Okay. And when we're talking about the seven  
8       that you referred to earlier, that's the four adults  
9       you found in bedroom one, Andreacas Bozeman, whom you  
10      found in bedroom three, and two juveniles; is that  
11      right?

12      A.     That's correct.

13      Q.     So you read them their Miranda warnings  
14      altogether?

15      A.     Yes, sir.

16      Q.     What else is going on when this is happening,  
17      because you're in that central living room, right?

18      A.     Well, it's just me and Detective Wood I believe  
19      at this time, so we're just beginning because the  
20      search warrant is there, so we're just beginning to  
21      do the search warrant so that's the only person ---

22      Q.     The search warrant is there?

23      A.     Yes.

24      Q.     Okay. So let's talk about sequence then. You  
25      go in about 8:55, right?

1 A. Correct.

2 Q. Now, first thing you do when you go in the  
3 house at 8:55 is what?

4 A. Is we secure the residence.

5 Q. Okay. And what does that entail?

6 A. That is us clearing it, detaining anybody that  
7 if they're inside the house.

8 Q. Okay. And what was the first thing you did in  
9 the process of securing the residence?

10 A. The first thing I did was, you know, we -- once  
11 we go into the residence and I encounter these four  
12 in this first bedroom.

13 Q. Okay. So that's in the first ten minutes that  
14 you're in the house?

15 A. Yeah, I would say within -- within the first  
16 couple of minutes.

17 Q. Okay. What else happened during that first ten  
18 minutes you're in the house at that point?

19 A. So we just -- it was me and Detective Earwood  
20 that detained these individuals and moved into this  
21 third bedroom where Detective Durham was at, and  
22 then those three were detained in there.

23 Q. Okay. And that's in the first ten minutes  
24 you're in the house?

25 A. That's correct.

1 Q. What happened in the second ten minutes you  
2 were in the house?

3 A. Well, we just -- we maintained what we had  
4 until the search warrant arrived.

5 Q. Okay. And what did that look like?

6 A. That was just detectives and deputies sitting  
7 in the house with these individuals here.

8 Q. Sitting quietly?

9 A. Well, I mean -- I mean, I'm sure we were  
10 talking amongst ourselves.

11 Q. And what sort of things were y'all talking  
12 about amongst yourselves?

13 A. Oh, I have no clue. Sir, that was nearly two  
14 years ago.

15 Q. It doesn't say anything in the incident report  
16 about folks sitting around talking amongst  
17 themselves, does it?

18 A. Well, as we -- if we talked about anything of  
19 importance, it would've been noted in my report.

20 Q. No doubt. No doubt. So what did you do during  
21 the next ten minutes you were in the house without  
22 the warrant?

23 A. I'm sure -- honestly, I don't even remember  
24 when the specific time the warrant was. I'm sure  
25 within that next few minutes the warrant was there.

1 Q. Well, Detective Acevedo just testified that the  
2 warrant arrived some time after he secured it from  
3 Judge White. Judge White's residence, he's  
4 described, is about 15, 20 minutes from the  
5 residence.

6 A. Correct.

7 Q. That would be between 10:17 and 10:27. So you  
8 went in at 9:15. The warrant gets there between  
9 10:17 and 10:27, right?

10 A. I would assume so. Yes.

11 Q. Okay. So the first half hour you're in the  
12 house without a warrant. You remember the first ten  
13 minutes pretty clear. That gets us to about  
14 30 minutes. I'd like to ask you about the next  
15 approximately hour. What did you do during the  
16 fourth ten minutes you were in the house without a  
17 warrant?

18 A. Well, we just -- we maintained what we had.  
19 You know, we must have just sat in the house with  
20 these individuals.

21 Q. Okay. And starting at about 9:37 because  
22 that's after the 40 minutes, what did you do in the  
23 fifth ten minutes you were in the house without a  
24 warrant?

25 A. Sir, I honestly don't even know. I mean, we --

1 we maintained what we had until the search warrant  
2 arrived.

3 Q. When you say "maintained what you had," you  
4 mean, everybody is just kind of sitting around in  
5 the living room making chitchat?

6 A. No. These individuals were in bedroom number  
7 one and bedroom number three.

8 Q. Okay. So during all this time, you got the  
9 four individuals in bedroom number one, right?

10 A. Correct.

11 Q. And the other three individuals in bedroom  
12 number three, right?

13 A. That's correct.

14 Q. And you're in bedroom number one during this  
15 period of time?

16 A. I kind of bounced back and forth between both  
17 of them until we all moved them into the living  
18 room.

19 Q. Okay. So during the sixth ten minutes you were  
20 in the house without a warrant, what was going on?

21 A. Again, we -- we were just waiting for the  
22 warrant to arrive.

23 Q. Okay. An hour's gone by. What did you do  
24 during the seventh ten minutes you were in the house  
25 without the warrant?



1 A. Again, just -- we just waited until the warrant  
2 arrived with these individuals.

3 Q. Okay. And what were these individuals doing?

4 A. Some of them were sitting in chairs. Some of  
5 them were standing up.

6 Q. All right. It's about 10:07 at this point.  
7 There's still 20 minutes or so, maybe 10, 20 minutes  
8 to go before the warrant arrives. What did you do  
9 in that last 10 or 20 minutes you were in the house  
10 without a warrant?

11 A. I maintained sitting with these individuals  
12 until the warrant arrived.

13 Q. Did you see Ms. Carswell give a statement to  
14 anybody?

15 A. I did not.

16 MR. OPPERMAN: Okay. All right. I think  
17 that's all I got. Thank you, sir. I appreciate it.

18 THE WITNESS: Thank you, sir.

19 THE COURT: Anything else?

20 MS. HUCKER: Nothing further, Judge.

21 MR. OPPERMAN: Momentarily. Just a moment.

22 Beg the Court's indulgence.

23 MR. LUCAS: Could we have just a moment, Your  
24 Honor?

25 (Council conferred briefly.)

1 BY MR. OPPERMAN:

2 Q. I do have a few other questions for you about  
3 your report. The first thing you write is that you  
4 located these four individuals in bedroom one in  
5 your report. And that -- that seems to jog with  
6 your memory, right?

7 A. Correct.

8 Q. The second thing you wrote before anything else  
9 is, "Hendrix read them their Miranda warning which  
10 was witnessed by Detective Wood, and they all said  
11 they understood." But you just testified that was  
12 not the second thing you did, right?

13 A. So that may have been a little bit out of order  
14 in my report because I wrote that report later that  
15 night, but we moved everyone into the bedroom --  
16 into the living room from the bedroom and everyone  
17 was read Miranda at the same time.

18 Q. Okay. So everybody's read Miranda at the same  
19 time?

20 A. That's correct.

21 Q. Did you make an individualized determination  
22 with each of these individuals what their education  
23 level was?

24 A. No, sir.

25 Q. Their ability to understand?

1 A. They -- they all said they understood.

2 Q. They all said they understood?

3 A. That's correct.

4 Q. Did you have any kind of individual  
5 conversation with them to determine their ability to  
6 understand?

7 A. I did not.

8 Q. And you didn't build a rapport with each of  
9 these separate folks to determine if they understood  
10 what you were talking about?

11 A. No. I didn't speak to each individual.

12 MR. OPPERMAN: Okay. Just a moment, Your  
13 Honor.

14 THE COURT: All right.

15 BY MR. OPPERMAN:

16 Q. You didn't put anything in your report about  
17 individualizing -- individually Mirandizing Nancy  
18 Carswell, did you?

19 A. No. She was in the same room as all the  
20 others.

21 Q. Okay. So you didn't individually Mirandize  
22 Nancy Carswell?

23 A. Correct. She was in the room with all the  
24 others.

25 MR. OPPERMAN: All right. Thank you very much.

1 I don't have anything further at this time.

2 THE COURT: Okay. Thank you, sir.

3 THE WITNESS: Thank you, sir. I appreciate it.

4 (Witness excused.)

5 MS. HOLAHAN: The State calls Jeremy Pickens.

6 (Witness approached.)

7 THE CLERK: You just need to come forward and  
8 raise your right hand.

9 THE WITNESS: (Complying.)

10 THE CLERK: Do you solemnly swear or affirm the  
11 testimony that you're about to give shall be the  
12 truth, the whole truth, and nothing but the truth?

13 THE WITNESS: I do.

14 THE CLERK: If you would, please come around  
15 and take a seat at the witness stand.

16 THE WITNESS: (Complying.)

17 LIEUTENANT JEREMY PICKENS,  
18 having been produced and first duly sworn as a  
19 witness on behalf of the State, testified as  
20 follows:

21 JACKSON V. DENNO DIRECT EXAMINATION

22 BY MS. HOLAHAN:

23 Q. Please state your name for the record and spell  
24 your last name.

25 A. Jeremy Pickens, P-i-c-k-e-n-s.

1 Q. Where are you employed at?

2 A. Anderson County Sheriff's Office.

3 Q. And what is your position there?

4 A. I'm currently lieutenant of the special  
5 operations unit.

6 Q. And on March 12, 2018, what was your position  
7 at that time?

8 A. I was a corporal in special operations assigned  
9 to special -- street narcotics unit.

10 Q. Did you have occasion to go to [REDACTED] Fairlane  
11 Drive on March 12, 2018?

12 A. Yes, ma'am.

13 Q. What was the reason for going there?

14 A. I went to assist in the execution of a search  
15 warrant.

16 Q. Do you remember what time you got to the  
17 residence?

18 A. I do not exactly recall.

19 Q. Was the search warrant already there when you  
20 arrived?

21 A. If I remember correctly, we were waiting to get  
22 a search warrant.

23 Q. And what were you doing while you were waiting  
24 for the search warrant to arrive?

25 A. I was outside.

1 Q. Outside. Did you enter the house at all?

2 A. Not prior to the search warrant arriving.

3 Q. Once the search warrant arrived, what did you  
4 do at that point?

5 A. I photographed the search warrant, as well as  
6 the -- I started with the exterior of the residence  
7 and then the interior of the residence and all  
8 persons inside.

9 Q. So you took photographs. Did you help at all  
10 with the search?

11 A. I did.

12 Q. What, if anything, did you find?

13 A. In what we had labelled, I believe, as bedroom  
14 one, I located the red and black bag that contained  
15 a quantity of what was later identified as  
16 methamphetamine. I believe I collected a piece of  
17 paper that we identified as a ledger. And I also  
18 collected a couple of firearms.

19 Q. What did you do with the items that you found?

20 A. I collected them and took them to Detective  
21 Wood who was responsible for securing the evidence  
22 at the scene.

23 Q. Was Detective Wood inside the house at that  
24 time?

25 A. Yes, ma'am.

1 Q. So you just take them from where you found them  
2 and delivered them to Detective Wood?

3 A. That's correct.

4 MS. HOLAHAN: No further questions.

5 MR. LUCAS: Just a moment, Your Honor.

6 JACKSON V. DENNO CROSS-EXAMINATION

7 BY MR. LUCAS:

8 Q. Lieutenant Pickens, what time did you arrive on  
9 the scene at [REDACTED] Fairlane Drive on March 12th?

10 A. I don't exactly recall the time, sir.

11 Q. Did you arrive on scene before or after the  
12 warrant arrived?

13 A. If I remember correctly, I arrived prior to the  
14 warrant arriving on scene.

15 Q. But you didn't take part of the initial entry  
16 into the home?

17 A. No, sir.

18 Q. And it's your testimony that you did assist in  
19 the subsequent search?

20 A. Yes.

21 Q. And when you were assisting in that search, was  
22 Nancy Carswell or also known as Elaine Driver, was  
23 she still at the house?

24 A. I don't recall.

25 Q. Did you see her while you were in the home?

1 A. I do not recall.

2 MR. LUCAS: Nothing further.

3 THE COURT: Okay. Thank you, sir. You can  
4 step down.

5 (Witness excused.)

6 MS. HOLAHAN: The State calls Ronald Wood.

7 (Witness approached.)

8 THE CLERK: If you would, please raise your  
9 right hand.

10 THE WITNESS: (Complying.)

11 THE CLERK: Do you solemnly swear or affirm the  
12 testimony that you're about to give shall be the  
13 truth, the whole truth, and nothing but the truth?

14 THE WITNESS: Yes, ma'am.

15 THE CLERK: Thank you, sir.

16 DETECTIVE RONALD WOOD,  
17 having been produced and first duly sworn as a  
18 witness on behalf of the State, then testified as  
19 follows:

20 JACKSON V. DENNO DIRECT EXAMINATION

21 BY MS. HOLAHAN:

22 Q. Please state your name and spell your last name  
23 for the record.

24 A. Ronald Wood, W-o-o-d.

25 Q. Where are you currently employed?



1 A. Anderson County Sheriff's Office.

2 Q. And what is your position there?

3 A. I am a detective in the narcotics  
4 investigations unit.

5 Q. Was that your position on March of 2018?

6 A. Yes, ma'am, it was.

7 Q. And did you have occasion to go to [REDACTED] Fairlane  
8 Drive on March 12, 2018?

9 A. Yes, ma'am.

10 Q. For what reason did you go there?

11 A. To secure the residence and property while the  
12 search warrant was being retrieved.

13 Q. When you say "secure the residence," what do  
14 you mean by that?

15 A. When I arrived, I was assigned to the backyard  
16 of the back building behind the residence just  
17 looking for people to secure the scene until the  
18 search warrant got there.

19 Q. Did you encounter anybody in the backyard?

20 A. No, ma'am, I did not.

21 Q. And did you search for anything but people in  
22 the backyard?

23 A. No, ma'am.

24 Q. Once the search warrant arrived, what did you  
25 do at that point?

1 A. When the search warrant arrived, I read the  
2 search warrant aloud to four individuals, with the  
3 defendant being one. And then I collected all the  
4 evidence -- or I collected evidence of evidentiary  
5 value and completed the search inventory.

6 Q. Did you do any searching yourself?

7 A. No, ma'am, I did not. I just collected the  
8 evidence and completed the search inventory.

9 Q. I'm showing you what's been marked as State's  
10 Exhibit 1. Do you recognize that?

11 A. Yes, ma'am. It's the search inventory that I  
12 completed that night.

13 Q. Okay. So while the search warrant was being  
14 executed, you were in charge of filling all of that  
15 out. What type of information does that contain on  
16 it?

17 A. It has the item number when the evidence is  
18 brought, whatever number that evidence is in order.  
19 Then it has the item description, location it was  
20 found, the time it was found, who it was found by.  
21 Of course, it was collected by me because I was  
22 collecting, and then transported by -- from the  
23 scene to our office, which is the special  
24 investigations division office, a secured facility,  
25 to get the evidence packaged together before we take

1           it to evidence.

2           Q.     Once all the evidence was collected from [REDACTED]  
3           Fairlane Drive, what happened at that point?

4           A.     Once everything was collected, again, Detective  
5           Hendrix and I transported the -- the evidence to the  
6           special investigations division office where we --  
7           the drugs were weighed, field tested, and placed in  
8           the best kit. And then the best kit was placed into  
9           evidence -- the kit was placed into evidence.

10          Q.     During the time that the evidence was being  
11          collected and when you went to package it up in the  
12          best kit, was it in your care and custody the whole  
13          time?

14          A.     Yes, ma'am, it was.

15          Q.     And did that continue until you took it to the  
16          evidence locker?

17          A.     Yes, ma'am.

18          Q.     Can you describe the evidence locker? Who has  
19          access to that?

20          A.     The evidence technician and evidence employees.  
21          The lockers are -- once you close it, it's locked  
22          from the inside. And the only people, I guess, that  
23          got a key can get into the back of the evidence case  
24          is the evidence technician and evidence employees.

25          Q.     Okay. So you no longer have access to it

1       once ---

2       A.    No, ma'am.  Once I shut the door, it's locked.  
3       No one has control over it, unless you're evidence  
4       personnel.

5       Q.    And that is at -- where is the evidence locker  
6       at?

7       A.    It's 303 Camson Road.  It's the old sheriff's  
8       office right beside the Anderson County Sheriff's  
9       Office.

10           MS. HOLAHAN:  Okay.  Thank you.

11                   JACKSON V. DENNO CROSS-EXAMINATION

12       BY MR. OPPERMAN:

13       Q.    I might've missed it because I was taking some  
14       notes.

15       A.    That's fine.

16       Q.    You said that you were with the initial team  
17       that made entry?

18       A.    No, sir.  I was -- I was in the backyard ---

19       Q.    Okay.

20       A.    --- in the outbuilding or the building the  
21       garage was behind, that's what I was there to  
22       secure.

23       Q.    Okay.  About what time did you go in the house?

24       A.    The first -- I did not go in the house until  
25       the search warrant got there and we was ready to

1 execute the search warrant when I read it aloud.

2 Q. Okay. Okay. So you read the search warrant  
3 aloud. Were you present there anytime with  
4 Detective Hendrix?

5 A. I was when he read Miranda.

6 Q. Okay. And could you describe the kind of scene  
7 when he read that?

8 A. They was sitting and standing there around  
9 together where everybody could hear. He pulled out  
10 his Miranda card ---

11 Q. Okay.

12 A. --- that he carried and read them Miranda.

13 Q. Y'all didn't -- I mean, it wasn't separate like  
14 one on one kind of Miranda or anything?

15 A. It was all four of them together ---

16 Q. Okay.

17 A. --- as he read the search warrant.

18 Q. Did anybody make any kind of evaluation of each  
19 of these people to see what was going on with them,  
20 if they understood?

21 A. I -- I mean, I did not hear anything. Like I  
22 said, he read it. I was there to witness he read  
23 it. Nobody that I know of asked for counsel or  
24 anything.

25 Q. So you didn't see Detective Hendrix pull any of

1           them off to the side and make any kind of assessment  
2           of their state of mind or situation?

3           A.     No.

4           Q.     All right.  I don't think I have any other  
5           questions.

6                     Well, once you got into the house, was there  
7           any period of time where any of the persons detained  
8           were unsupervised or didn't have somebody with them?

9           A.     No, sir.

10                    MR. OPPERMAN:  Okay.  All right.  That's all I  
11           got.  Thank you.

12                    THE WITNESS:  Thank you, sir.

13                    (Witness excused.)

14                    THE COURT:  Anything on redirect?

15                    MS. HOLAHAN:  No further witnesses from the  
16           State, Your Honor.

17                    THE COURT:  Okay.  That's all your witnesses?

18                    MS. HUCKER:  Yes, Judge.

19                    THE COURT:  All right.  Are you going to have  
20           anybody to call?

21                    MR. LUCAS:  I think we're going to call a  
22           couple, Judge.

23                    THE COURT:  All right.  Let's take five minutes  
24           and then we'll come back and do that until 2:00 and  
25           then -- or 1:45 and then break until 3:00.

1 MS. HUCKER: Thank you, Judge.

2 (From 12:49 to 1:02 p.m., brief recess.)

3 THE COURT: Okay. How many witnesses you got?  
4 Just trying to make sure I don't break at a bad  
5 time.

6 MR. LUCAS: Sir, I think we're going to do  
7 Williams, McDonald, Josh Durham, and J.T. Foster.

8 THE COURT: All right. Let's see how far we  
9 get until about 1:45. And like I said, from 2:00 to  
10 3:00 I've got to go. Is everybody okay with waiting  
11 until then to leave, or do you want to break  
12 earlier? It's up to y'all down there.

13 MR. LUCAS: We can be pretty quick, Judge,  
14 because we've covered a lot of territory. We can  
15 break and then argue after lunch.

16 THE COURT: All right. Yeah, that works.  
17 Okay. You can call your first witness.

18 MR. LUCAS: We're going to do J.M. Williams,  
19 Judge.

20 (Witness approached.)

21 THE CLERK: Please come forward and raise your  
22 right hand.

23 THE WITNESS: (Complying.)

24 THE CLERK: Do you solemnly swear or affirm the  
25 testimony you're about to give shall be the truth,

1 the whole truth, and nothing but the truth?

2 THE WITNESS: I do.

3 THE CLERK: If you would, please state your  
4 name for the court reporter and spell your last  
5 name.

6 THE WITNESS: Jonathan Williams,  
7 W-i-l-l-i-a-m-s.

8 SERGEANT JONATHAN WILLIAMS,  
9 having been produced and first duly sworn as a  
10 witness on behalf of the Defendant, then testified  
11 as follows:

12 JACKSON V. DENNO DIRECT EXAMINATION

13 BY MR. OPPERMAN:

14 Q. What's your current rank?

15 A. Sergeant.

16 Q. Sergeant, how long have you been with the  
17 sheriff's department?

18 A. Roughly, 16 years.

19 Q. Okay. And were you in law enforcement before  
20 that?

21 A. I'm sorry. What was the previous question?

22 Q. Well, I asked you how long you had been at the  
23 sheriff's department.

24 A. Oh, 16 years. No. Nothing prior to the  
25 sheriff's office.



1 Q. Okay. So you've been there 16 years. Okay.  
2 And on the night of March 12th, you were present at  
3 a briefing regarding [REDACTED] Fairlane Drive; is that  
4 right?

5 A. Correct.

6 Q. Okay. Approximately, what time did that take  
7 place?

8 A. It was in the evening. I don't recall.  
9 10:00 -- nine, ten o'clock, somewhere in that area.

10 Q. Okay. And I'm going to ask you a question. If  
11 you can't tell me the precise answer, I'm going to  
12 ask you about where. Okay. So about where was that  
13 briefing located?

14 A. I believe it was behind the Watson Village  
15 Shopping Center.

16 Q. Okay. That's pretty close to [REDACTED] Fairlane,  
17 isn't it?

18 A. Yes.

19 Q. Who was with you at that briefing?

20 A. It was most of the narcotics guys and some of  
21 the street narcotics guys.

22 Q. Do you remember names?

23 A. Just in attendance today: Acevedo; Scogins;  
24 Hendrix; Wood.

25 Q. Did you attend any other briefing?

1 A. Not regarding that, no.

2 Q. Okay. And then you left the briefing location  
3 for the house, right?

4 A. Correct.

5 Q. About when did you arrive at the house?

6 A. It's a couple of miles from the spot, if that.

7 Q. It's pretty close, so it would've been right  
8 after. And you said you weren't exactly sure what  
9 time the briefing was, right?

10 A. No.

11 Q. Okay. Now, I understand you entered the house  
12 through the carport; is that right?

13 A. I don't recall.

14 MR. OPPERMAN: May I approach?

15 THE COURT: Yes, sir.

16 BY MR. OPPERMAN:

17 Q. I'm going to give you a copy of your report  
18 here to refresh your memory a little bit. Does that  
19 report indicate that you entered through the  
20 carport?

21 A. It does.

22 Q. Okay. And when you went inside, you located  
23 four individuals; is that right?

24 A. Correct.

25 Q. Okay. And that was in what became known as

1 bedroom number one, right?

2 A. Correct.

3 Q. In your report, you state Deputy Earwood  
4 entered with you; is that right?

5 A. Yes.

6 Q. And he entered bedroom number one with you; is  
7 that right?

8 A. Correct.

9 Q. And he detained those individuals with you; is  
10 that right?

11 A. Correct.

12 Q. Was anybody else there?

13 A. Law enforcement-wise?

14 Q. Yeah, in that bedroom with you when you  
15 detained the four of them?

16 A. Not that I recall.

17 Q. Okay. And you don't mention anyone else in  
18 your report, do you?

19 A. No, sir.

20 Q. How close was bedroom one to the carport?

21 A. Best I can recall, we entered through the  
22 carport and it was a straight hallway back, made a  
23 right hand. That bedroom was separated by the wall.  
24 We made that turnaround corner to the right and it  
25 was the first bedroom we came to.

1 Q. I don't want to put words in your mouth, but it  
2 sounds like you probably went through a central room  
3 into a hall and into that bedroom; is that right?

4 A. Best I can recall, from the carport we went  
5 into the kitchen. And then that -- that wall there  
6 separated the kitchen from the bedroom, so we had to  
7 go around that wall.

8 Q. I gotcha. Okay. Who else was in the house at  
9 that time law enforcement-wise?

10 A. I don't -- I don't recall.

11 Q. Okay. So y'all are there. You detained the  
12 four individuals in that bedroom. What did that  
13 room look like?

14 A. It had a bed in the middle and just cluttered  
15 with odds and ends and things.

16 Q. Okay. And so y'all are in there for a while,  
17 and the search warrant eventually arrives, right?

18 A. Correct.

19 Q. And that's between about 10:17, 10:27 or so?

20 A. I don't have any times documented here.

21 Q. Okay. But your sense is, you were in the house  
22 about an hour and 20 minutes, an hour and a half,  
23 before the search warrant arrived, right?

24 A. It was -- it was a length of time between the  
25 time we secured the house and the time we got there.

1 Q. Okay. When you say a "length of time," what  
2 did it seem like to you?

3 A. Honestly, I don't recall.

4 MR. OPPERMAN: Okay. Beg the Court's  
5 indulgence.

6 THE COURT: Sure.

7 MR. OPPERMAN: Nothing further, Your Honor.

8 THE COURT: Okay. Anything from the State?

9 MS. HUCKER: Just briefly, Your Honor.

10 JACKSON V. DENNO CROSS-EXAMINATION

11 BY MS. HUCKER:

12 Q. So you went in and detained everyone before the  
13 search warrant got there, correct?

14 A. Correct.

15 Q. Okay. Did you search anything before the  
16 search warrant got there?

17 A. No, we did not.

18 MS. HUCKER: Perfect. No further questions.

19 Thank you.

20 THE COURT: All right. Anything on redirect?

21 MR. OPPERMAN: No, Your Honor.

22 THE COURT: Okay. You can step down. Thanks.

23 (Witness excused.)

24 (From 1:09 to 1:15 p.m., brief recess.)

25 THE COURT: Okay. Y'all can call your next

1 witness.

2 MR. LUCAS: Matthew McDonald is next.

3 THE COURT: Who do you have next?

4 MR. LUCAS: McDonald, please.

5 (Witness approached.)

6 THE CLERK: Please come forward and raise your  
7 right hand.

8 THE WITNESS: (Complying.)

9 THE CLERK: Do you solemnly swear or affirm the  
10 testimony you're about to give shall be the truth,  
11 the whole truth, and nothing but the truth?

12 THE WITNESS: I do.

13 THE CLERK: Thank you, sir. If you would,  
14 please come around and take a seat at the witness  
15 stand.

16 THE WITNESS: (Complying.)

17 THE CLERK: And if you would, please state your  
18 name for the court reporter and spell your last  
19 name.

20 THE WITNESS: Matthew McDonald,  
21 M-c-D-o-n-a-l-d.

22 OFFICER MATTHEW MCDONALD,  
23 having been produced and first duly sworn as a  
24 witness on behalf of the Defendant, then testified  
25 as follows:

1 JACKSON V. DENNO DIRECT EXAMINATION

2 BY MR. LUCAS:

3 Q. Officer McDonald, what is your role with the  
4 sheriff's department?

5 A. I'm a liaison officer between the Department  
6 of -- or the Drug Enforcement Administration and  
7 Anderson County Sheriff's Office.

8 Q. And were you working in that capacity in March  
9 of 2018?

10 A. I was.

11 Q. Now, on March 12, 2018, did you respond to a  
12 traffic stop of a Tara Thomason?

13 A. I did.

14 Q. If you recall, what time did the traffic stop  
15 occur?

16 A. I don't recall.

17 Q. And who called you?

18 A. All I could tell you was an individual from  
19 narcotics. I'm not sure which individual called me  
20 from Anderson County narcotics.

21 Q. And if you know, about what time did you  
22 respond to the traffic stop?

23 A. Again, I don't have that time. I know it was  
24 dark.

25 Q. And who all was there when you got there?

1 A. I know Lieutenant Scogins was the individual I  
2 made contact with at the traffic stop.

3 Q. And was -- I'm sorry. Go ahead.

4 A. I can't recall if there was -- it seems like  
5 there was a marked unit there, but I don't -- I made  
6 contact with Lieutenant Scogins and talked to him.

7 Q. And was Detective Acevedo still there?

8 A. If he was, I didn't see him. I only spoke to  
9 Lieutenant Scogins upon my arrival.

10 Q. And where was Ms. Thomason when you arrived?

11 A. Because it was -- I think because it was cold,  
12 she was in the truck with Lieutenant Scogins.

13 Q. And you spoke with her for a long period of  
14 time, would that be accurate?

15 A. Not at the traffic stop. Because of the  
16 weather, me and her moved to the sheriff's office  
17 and then we spoke there. Yes, sir.

18 Q. So she was taken from the traffic stop directly  
19 to an interview room at the sheriff's department?

20 A. That's correct.

21 Q. And you interviewed her further there?

22 A. Yes, sir.

23 Q. Do you know what time you completed your  
24 interview?

25 A. No, sir.



1           MR. LUCAS: I don't have any further questions.  
2 Thank you.

3           THE COURT: Anything from the State?

4           MS. HUCKER: Nothing, Your Honor.

5           THE COURT: Okay. Thank you, sir. You can  
6 step down. Appreciate it.

7           (Witness excused.)

8           MR. LUCAS: We call Josh Durham next.

9           (Witness approached.)

10          THE CLERK: Would you please come forward and  
11 raise your right hand?

12          THE WITNESS: (Complying.)

13          THE CLERK: Do you solemnly swear or affirm the  
14 testimony you're about to give shall be the truth,  
15 the whole truth, and nothing but the truth?

16          THE WITNESS: I do.

17          THE CLERK: Thank you. And if you would,  
18 please state your name and spell your last name for  
19 the court reporter.

20          THE WITNESS: Joshua Durham, D-u-r-h-a-m.

21                   DETECTIVE JOSHUA DURHAM,  
22 having been produced and first duly sworn as a  
23 witness on behalf of the Defendant, testified as  
24 follows:

25                   JACKSON V. DENNO DIRECT EXAMINATION

1 BY MR. OPPERMAN:

2 Q. How long have you been in law enforcement?

3 A. Seventeen years.

4 Q. Okay. And how much of that time has been at  
5 the sheriff's department?

6 A. As a detective, about three years now.

7 Q. And detective is your current rank?

8 A. That's correct.

9 Q. And in the course of your training and work,  
10 you're trained to write accurate reports as a  
11 detective, right?

12 A. That's correct.

13 Q. Detailed reports?

14 A. That's correct.

15 Q. And you're trained not to omit any information?

16 A. Correct.

17 Q. And you're trained to do that because you might  
18 have to rely on those reports later, right?

19 A. Correct.

20 Q. Okay. Including relaying -- relying on the  
21 incident report to testify at trial like today,  
22 right?

23 A. That's right.

24 Q. Okay. Now, I want to ask you, what time do  
25 you -- well, first of all, were you present at a

1 briefing prior to the entry at [REDACTED] Fairlane Drive?

2 A. Yes.

3 Q. Okay. Where was that briefing located?

4 A. Best of my knowledge, it was Watson Village.

5 Q. Okay.

6 A. If I remember correctly.

7 Q. All right. Do you remember about what time it  
8 was?

9 A. I do not.

10 Q. Okay. Who all was present there at that  
11 meeting?

12 A. I can't remember.

13 Q. Do you remember about how many people were  
14 there?

15 A. I do not. I don't remember ---

16 Q. Okay.

17 A. --- who all was there.

18 Q. You don't really have a sense of it was more  
19 than three people there?

20 A. It was more than three.

21 Q. More than five?

22 A. It could be.

23 Q. Do you remember about how long that briefing  
24 lasted?

25 A. It was a fairly short briefing.

1 Q. Okay. Fairly short. Approximately,  
2 ten minutes? Is that your best guess?

3 A. Probably less.

4 Q. A little bit less than ten minutes. Do you  
5 think it was less than five minutes?

6 A. Probably between five and ten minutes.

7 Q. Okay. And after that, y'all went over to the  
8 house?

9 A. That's correct.

10 Q. And you entered?

11 A. I'm sorry?

12 Q. And you entered when you got to the house?

13 A. We did.

14 Q. Okay. Everybody in the house was detained?

15 A. Best of my knowledge, yeah.

16 Q. Do you remember about when you got into the  
17 house?

18 A. About what time?

19 Q. Yeah.

20 A. I don't.

21 Q. Okay. Do you remember about when you searched  
22 the house?

23 A. I didn't -- I didn't conduct the search in the  
24 house.

25 Q. Okay. What did you do when you were at the

1 house?

2 A. So I was tasked with the initial entry into the  
3 residence. I pushed through, made contact with  
4 three individuals inside bedroom number three.

5 Q. Okay.

6 A. And that's where I stayed the entire -- pretty  
7 much the entire time.

8 Q. And that was ---

9 THE COURT: Hold on a minute. Y'all are  
10 talking -- let him answer.

11 MR. OPPERMAN: Sorry about that.

12 THE WITNESS: There were three individuals in  
13 there. Two were juveniles, so I stayed in there  
14 pretty much the entirety of the search warrant.

15 BY MR. OPPERMAN:

16 Q. So two -- two juveniles and one adult called  
17 Bozeman; is that right?

18 A. That's correct.

19 Q. Okay. And then after that, you were tasked  
20 with assisting Deputy Shaw in transporting the  
21 suspect BMW, Tara Thomason's BMW that she was using,  
22 to the sheriff's office before returning to the  
23 scene; is that right?

24 A. That's correct.

25 Q. So you took that back to the sheriff's

1 department?

2 A. Yes. That's correct.

3 Q. Do you remember when that was?

4 A. I don't remember what time it was.

5 Q. Okay. Do you remember about when you got back  
6 to the scene?

7 A. I do not.

8 Q. Okay. Just a moment. So that BMW was seized,  
9 I take it?

10 A. I don't remember. I don't think it was seized.

11 Q. Okay. So do you think it was released then?

12 A. I'm not sure.

13 Q. Okay.

14 A. I can't remember.

15 Q. Okay. To your knowledge, is that BMW still up  
16 there?

17 A. Not to my knowledge, it's not.

18 Q. All right. And you don't recall if it was  
19 released to anyone, another law enforcement agency?

20 A. I don't recall.

21 MR. OPPERMAN: Okay. Nothing further. Thank  
22 you.

23 THE COURT: Anything from the State?

24 MS. HUCKER: Just quickly.

25 JACKSON V. DENNO CROSS-EXAMINATION

1 BY MS. HUCKER:

2 Q. You said that you didn't search anything?

3 A. That's correct. I did not search.

4 Q. Either before or after the search warrant?

5 A. That's correct.

6 MS. HUCKER: Thank you. No further questions.

7 THE COURT: All right. Anything on redirect?

8 MR. OPPERMAN: Nothing, Your Honor.

9 THE COURT: Okay. Thank you, sir. You can  
10 step down. Be careful.

11 THE WITNESS: Thank you.

12 (Witness excused.)

13 (From 1:25 to 1:36 p.m., brief recess.)

14 (Witness approached.)

15 THE CLERK: Do you solemnly swear or affirm the  
16 testimony you're about to give shall be the truth,  
17 the whole truth, and nothing but the truth?

18 THE WITNESS: Yes, ma'am, I do.

19 THE CLERK: Thank you, sir. If you would,  
20 please come around and take a seat there at the  
21 witness stand.

22 THE WITNESS: (Complying.)

23 THE CLERK: And please state your name and  
24 spell your last name for the court reporter.

25 THE WITNESS: James T. Foster, F-o-s-t-e-r.

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1                               SERGEANT JAMES FOSTER,  
2       having been produced and first duly sworn as a  
3       witness on behalf of the Defendant, testified as  
4       follows:

5                               JACKSON V. DENNO DIRECT EXAMINATION

6       BY MR. OPPERMAN:

7       Q.     Sergeant, how long have you been in law  
8       enforcement?

9       A.     Since 2006.

10      Q.     Okay. Has that all been with the sheriff's  
11     department?

12      A.     Yes, sir.

13      Q.     Okay. And your current rank is sergeant; I got  
14     that right?

15      A.     That's correct. Yes, sir.

16      Q.     And in the course of doing that kind of work,  
17     you're trained to write accurate reports?

18      A.     Yes, sir.

19      Q.     And you're trained to write detailed reports?

20      A.     That's correct.

21      Q.     Trained not to omit any information?

22      A.     That's correct.

23      Q.     Trained to do that because you might rely on it  
24     later?

25      A.     That's correct.



1 Q. Including relying on it to testify at trial?

2 A. Yes, sir.

3 MR. OPPERMAN: Okay. May I approach?

4 THE COURT: Sure.

5 BY MR. OPPERMAN:

6 Q. I'm going to hand you a copy of your  
7 supplemental report from that evening if that is all  
8 right?

9 A. Sure. Thank you.

10 Q. Your report says, "After Foster was made aware  
11 of a large sum of U.S. currency being located in the  
12 BMW and that the driver had recently delivered a  
13 quantity of methamphetamine to [REDACTED] Fairlane Drive,  
14 he and other members of the special investigations  
15 division had formulated an action plan to secure the  
16 target distance"; is that correct?

17 A. Yes, sir.

18 Q. Now, while you're meeting, is the house still  
19 under surveillance?

20 A. That's my understanding. Yes, sir.

21 Q. Okay. And where did you gather for this  
22 meeting?

23 A. Behind White Jones if I remember correctly on  
24 Shockley Ferry.

25 Q. Okay. And about how long did that last?

1 A. I'm not sure of the time frame or how long it  
2 lasted.

3 Q. Okay. Do you think it was longer than ten  
4 minutes?

5 A. It would be speculation for me to try to figure  
6 out how long. I'm sorry.

7 Q. Okay. That's fair. About how many people were  
8 there?

9 A. Also unsure on exactly how many people were  
10 there. I didn't -- I didn't come up with a -- with  
11 a head count.

12 Q. Okay.

13 A. So I'm not sure on that.

14 Q. Do you think it was more than three people?

15 A. It had to be more than three people. We  
16 wouldn't have formulated with anything less. That  
17 would be dangerous.

18 Q. Do you think it was more than five people?

19 A. That's -- that's hard to assume. Again, that's  
20 me trying to remember.

21 Q. Okay. Do you remember who was there?

22 A. Not right off the top of my head. I don't  
23 remember all the people that were there.

24 Q. Can you remember anyone who was specifically  
25 there?

1 A. I'm trying to think of where people were that  
2 night is what I'm trying to do now.

3 Q. Take your time.

4 A. I don't -- I don't remember everybody's face I  
5 guess. I mean, it's been a couple of years. I'm  
6 trying to remember all that.

7 Q. Well, I'm going to ask you some specific  
8 questions then.

9 A. Okay.

10 Q. Was Durham there?

11 A. I don't recall who was there or who was  
12 conducting surveillance. I'm not sure.

13 Q. Was Williams there?

14 A. That would be John Williams?

15 Q. Yeah.

16 A. I think he may have been there with us meeting,  
17 but I'm not 100 percent sure on that.

18 Q. Was Earwood there?

19 A. I don't know if Earwood made it to the meeting.  
20 I know he was involved in stopping the car, so I'm  
21 not sure if he got back before we executed the  
22 search or not.

23 Q. Do you remember if Acevedo was there?

24 A. Again, at the meeting, I'm not sure if he was  
25 at the -- at there or if he was still conducting

1 surveillance.

2 Q. Okay.

3 A. There were a lot of moving parts that evening.

4 Q. Sure. After this briefing, y'all entered the  
5 house?

6 A. That's correct. Shortly thereafter the  
7 meeting.

8 Q. Do you remember about what time you went into  
9 the house?

10 A. I'd have to check with the -- with the time we  
11 called out there. We -- we informed dispatch that  
12 we were out there after we got on scene is my  
13 understanding.

14 Q. Okay.

15 A. That's normally what we do anyway.

16 Q. Okay. About what time do you remember  
17 searching the house?

18 A. I'm not exactly sure of the time. It would've  
19 been right there whenever we called out, or we  
20 would've secured it and not searched the house.  
21 Once we secured it, I'm pretty sure we waited on the  
22 search warrant to show up there on the scene, so...

23 MR. OPPERMAN: Just a moment.

24 THE WITNESS: No problem.

25 MR. OPPERMAN: I think that's all I've got.

1 Thank you very much.

2 THE WITNESS: Thank you.

3 THE COURT: Any questions?

4 MS. HUCKER: Nothing, Your Honor.

5 THE COURT: Okay. You can step down.

6 THE WITNESS: Thank you, Your Honor.

7 (Witness excused.)

8 MR. LUCAS: We're not calling any further  
9 witnesses.

10 THE COURT: Okay. All right. So is the State  
11 planning on calling anybody in rebuttal before doing  
12 the arguments?

13 MS. HUCKER: No, Your Honor.

14 THE COURT: Okay. I mean, I think we can  
15 probably argue this, but let's -- everybody appears  
16 to have been pretty good and I know y'all are hungry  
17 too, so let's say I'll be back at 3:15. I will be  
18 back a little earlier, but I want to give myself  
19 time. Lord knows, these guys, doctors are just  
20 different.

21 MS. HUCKER: Thank you, Judge.

22 THE COURT: Okay. I'll see y'all about 3:15.

23 MR. LUCAS: Thank you, Your Honor.

24 (From 1:42 to 3:15 p.m., lunch recess.)

25 THE COURT: I'll be happy to hear your

1 arguments on the motion to suppress the evidence.

2 MR. LUCAS: Thank you, Your Honor. And for  
3 starters, we'd like to have our brief marked as a  
4 Court's exhibit.

5 THE COURT: Sure.

6 (Court's Exhibit was marked for  
7 identification.)

8 THE COURT: Okay. All right. Yes, sir.

9 MR. LUCAS: Your Honor, the way I'd like to  
10 address this is to argue the suppression motion, and  
11 then Mr. Opperman has some arguments to add  
12 regarding the statement, if you think that's  
13 appropriate.

14 THE COURT: However you want do it.

15 MR. LUCAS: All right. Thank you, Your Honor.

16 So, Judge, the basis of our argument for  
17 suppression is what we have is an illegal  
18 warrantless entry into the home and seizure of  
19 Ms. Carswell. That's vital to both the Fourth  
20 Amendment and Article 1, Section 10, of the South  
21 Carolina Constitution, which includes protections  
22 identical to the Fourth Amendment and privacy  
23 protect -- protections that doesn't apply to the  
24 home that go above and beyond that. So, Judge,  
25 respectfully, the burden to justify the warrantless

1 search or seizure is on the State.

2 So while we've made this motion, my position  
3 then is that it's their burden to show that it was  
4 an appropriate warrantless seizure. And then so the  
5 cite for that is *State v. Bultron*, 457 S.E.2d 616.

6 So the reason that this seizure of Ms. Carswell  
7 and of the home is inappropriate is twofold, which  
8 we've gone into in detail in our brief.

9 Number one, is that it was done without a  
10 warrant. And there's a strong presumption that if  
11 you're going to search a home, then you have to have  
12 a warrant.

13 And then, two, because it's very clear that at  
14 the time of the initial entry, that there was no  
15 arrest or a search warrant, then for that to be  
16 appropriate, there must be some exception to the  
17 warrant requirement.

18 Now, Ms. Carswell had a standing to -- to bring  
19 this claim because as Detective Acevedo testified  
20 yesterday, she lived at [REDACTED] Fairlane Drive and he  
21 was aware of that. He got that information from his  
22 confidential source, who he described on the stand  
23 as very reliable.

24 So because of that, our position is that  
25 Ms. Carswell has a reasonable expectation of privacy

1 in the home. This is one that our courts have  
2 recognized again and again and, you know, gone  
3 beyond that finding standing for overnight guests as  
4 well, so she clearly has standing to raise the  
5 claim.

6 And, in addition, she also has standing for the  
7 seizure because it was a seizure of her person,  
8 which is, you know, the Fourth Amendment explicitly  
9 protects against unreasonable seizures. And,  
10 certainly, an unwarranted one would fall into that.

11 So, Judge, what we have in terms of the warrant  
12 is we have all of the testimony. And I have a nice  
13 sign up here for you, which I thought we were going  
14 to use because the timing would be disputed. It's  
15 not.

16 THE COURT: Okay.

17 MR. LUCAS: What we know is that the traffic  
18 stop of Tara Thomason is 8:15. And then on the  
19 basis of that, officers go into the house at 8:55.  
20 It's undisputed that they don't have a warrant, that  
21 they don't have an arrest warrant for anybody in the  
22 home. There's no hot pursuit. And then they don't  
23 get a warrant until 9:52 p.m., and then the  
24 undisputed testimony is that that warrant is not  
25 taken to the house until 10:27 p.m. So what we have



1 is a warrantless entry. That much is not disputed.

2 So the question then becomes after that is, can  
3 the State show some exception to the warrant  
4 requirement? And as put forth in the brief, there  
5 are a number of exceptions. And the only one of  
6 which could possibly apply here is the exigent  
7 circumstances about threat. And there's not been  
8 any testimony about danger to police, danger to  
9 people -- to people inside the home, anything like  
10 that that you have anyone fleeing the house.

11 So what we are left with, Judge, is whether  
12 police had the objectively reasonable belief that  
13 there was going to be imminent destruction of  
14 evidence in the home, and that -- that's the  
15 standard.

16 I point to *Brigham City v. Stuart* as authority  
17 to that, along with some South Carolina law. And  
18 I -- I think it's real important, Your Honor, to  
19 look at how the State's witnesses testified with  
20 regard to those. We didn't have anybody saying the  
21 exigent circumstances were putting that in their  
22 report, not one. You didn't have anybody saying  
23 that they feared destruction of evidence in their  
24 reports, not one.

25 When I questioned Detective Acevedo about it,

1        what he said when I asked him whether there was any  
2        gun in the home, he said, "Possibly, but I don't  
3        know." And when I asked if whether anybody --  
4        whether he had a reason to believe anybody was  
5        destroying evidence, he said, "Possibly, but I don't  
6        know."

7                And, Your Honor, it seems to me that the  
8        argument that's being made here is that just because  
9        there are drugs in the house or there's a good  
10       reason to believe that, is that that makes it okay  
11       for police to go into the house because there is  
12       some possible chance that they could be destroyed.  
13       Well, I don't think that's the law, Your Honor. I  
14       think the law is that for you to go in, you have to  
15       have an objectively reasonable belief to believe  
16       there's a threat imminent destruction of evidence.

17               And you don't get that merely because the case  
18       involves -- involves drugs. And I've got a case  
19       citation for that. I'll be happy to hand it up to  
20       you. It's *U.S. v. Santa*, which is an Eleventh  
21       Circuit Court of Appeals case from 2001. And I'll  
22       hand the opinion up to you if I could have  
23       permission to approach?

24               THE COURT: Sure.

25               MR. LUCAS: And the cite is 236 F.3d 662, 2000.

1 And what they note is that the mere presence of  
2 contraband, however, does not give rise to exigent  
3 circumstances, and the appropriate inquiry is  
4 whether the facts would lead a reasonable  
5 experienced agent to believe that evidence might be  
6 destroyed before a warrant could be secured.

7 And the situation in that case, the facts were  
8 pretty similar to this one. You had a drug  
9 investigation. They actually have a lot better  
10 reason to believe there were drugs in the house  
11 because they've done a big control buy. And then on  
12 the basis of I believe some people were going in and  
13 out, they decided they were going to go in and  
14 secure the house.

15 But the reason the Court decided that was  
16 inappropriate is because they didn't have any reason  
17 to believe that the people were going to be  
18 destroying the drugs or, indeed, that the folks  
19 inside the house had any reason to know about the  
20 police presence. And the kind of logical jump to  
21 make from that is that there's no reason to know  
22 about the police presence. And if the folks in the  
23 house don't know about it, then they have no reason  
24 to destroy any evidence in the house or they destroy  
25 any drugs.

1           And that's real similar to what we have here,  
2           Judge. There's no indication -- certainly, there's  
3           not been any testimony to that effect and there's no  
4           indication that anyone in the house had any idea  
5           that police were outside of this house. In fact,  
6           everything that we've heard cuts to the contrary.

7           We have Detective Proner in the woods 50 yards  
8           away. We have unmarked cars around the house, but  
9           we don't have any traffic stops in view of the  
10          house. The traffic stop on Ms. Thomason is a mile  
11          away. It's quite some distance, and there's no  
12          indication that anyone ever called to inform the  
13          people inside the house about that. Certainly,  
14          Ms. Thomason didn't. She was in custody the entire  
15          time and was certainly detained.

16          So, Your Honor, the importance of this is if  
17          you don't have an exception, you don't have a  
18          warrant and you don't have an exception to the  
19          warrant requirement, then clearly you can't go into  
20          the house because you have to have some authority to  
21          enter.

22          And it -- it's disturbing to me sitting here  
23          and hearing that -- hearing officers testify that  
24          they went in to secure the house for evidence  
25          preservation, even in the absence of this stuff, and

1       they say that it's their protocol, meaning that's  
2       what they do -- they're doing every time they have a  
3       major drug operation, or even some minor one like  
4       this is if they think they have some reason to go  
5       into the house or they think they have probable  
6       cause, they go into the house and secure it and try  
7       to fix it later on with a warrant.

8               Now, the warrant part is pretty interesting,  
9       because to me that says that the police certainly  
10       knew they were committing an illegal action because  
11       if you had exigent circumstances, you don't have to  
12       get a warrant. You can rely on those, go into the  
13       house and that initiates the warrant requirement,  
14       but that's not what they did here. They went in  
15       without existence of exigent circumstances and then  
16       got a warrant after the fact to try and fix that.

17              Now, it's interesting because there is -- in  
18       *State v. Adams*, which is a South Carolina case, you  
19       had a relatively similar situation where the Court  
20       noted that ignorance -- noted a real, you know, well  
21       known maximum, which is that ignorance of the law is  
22       no excuse.

23              So our position, Judge, is that we've got this  
24       illegal entry into the home and that we have an  
25       illegal seizure of Ms. Carswell. And then the

1 police are trying to purge the tank of this  
2 illegality by getting a warrant -- or by getting a  
3 search warrant.

4 Now, to me, them ignoring this requirement to  
5 either get a warrant or have exigent circumstances  
6 to get into the house is real disturbing because  
7 what we're left with is, they're ignoring the  
8 warrant requirement. They're trying to bootstrap  
9 themselves around it.

10 And -- and our Fourth Amendment jurisprudence,  
11 you can go back to, you know, Justice Jackson from  
12 the 1950s, and he notes in *U.S. v. Johnson* that what  
13 separates us from being a country of laws versus  
14 being a police state is that obligation to have --  
15 to have to go get a warrant and have a neutral  
16 detached magistrate review it for probable cause,  
17 and they're trying to get around it.

18 So the issue becomes, Judge, is can -- by going  
19 to get this warrant, can you purge the initial  
20 illegality? Can they purge the tank of this initial  
21 illegal seizure of the house and all the occupants?  
22 And our position would be that they can't.

23 And it's pretty simple, there's no attenuation  
24 here. You have no causal break. You have somebody  
25 who is seized from the beginning. They're seized

1       when the search warrant gets there, and they  
2       continue to be seized afterwards, along with the  
3       house.

4               So what we have is that the State is going to  
5       ask you to ignore this illegality and to determine  
6       that you can purge the tank of an illegal seizure  
7       and this, you know, 90-minute seizure by getting a  
8       warrant. And I just don't think you can do that,  
9       Judge. And I would point to *State v. Adams*, which  
10      I'll hand up if I can approach, Your Honor.

11             THE COURT: Sure.

12             MR. LUCAS: And that's 409 S.C. 641, and it's  
13      2014. And it is not exactly on point, but it's  
14      certainly relevant by analogy in the sense that  
15      Adams deals with a case where law enforcement -- I  
16      think it was down in Charleston. It was down in the  
17      Lowcountry -- put a GPS tracking device on a guy  
18      that they suspected of drug trafficking. They did  
19      so illegally. They didn't have any warrant to put  
20      the tracking device on as is required by state law.

21             So they put it on, and then when he came back  
22      to Charleston, they got behind him and pulled him  
23      for a couple of traffic violations. And they were  
24      legitimate violations.

25             And what the Court said is that they would've

1        never made the stop but for the illegality of  
2        putting the tracking device on, and that just  
3        because you have a valid traffic stop, that did not  
4        purge the taint of the initial illegality.

5                So, Your Honor, it's our position that you  
6        can't fix this by getting a warrant and that there  
7        ought to be consequences for the State's -- well,  
8        the sheriff department's, you know, blatant fouling  
9        of the warrant requirement. And if you don't  
10       suppress the drugs in a case like that, they're just  
11       going to keep doing this again and again. And,  
12       indeed, that's really the purpose of the  
13       exclusionary rule, is to deter police misconduct in  
14       cases just like this.

15               THE COURT: Well, let -- let me -- let me jump  
16       to the grid of this because I thought a lot about  
17       this last night and, obviously, if the sheriff's  
18       department can come in and begin a search while the  
19       warrant was, you know, applied for, that would be a  
20       problem. But here's my problem, and it's not your  
21       fault because all of your people have fled and won't  
22       show up. The only evidence I have in front of me is  
23       the evidence from the testimony. And according to  
24       my notes, every officer that was in that house  
25       testified that they didn't search. And my concern



1 last night was obviously concern any time a judge  
2 has when you're kicking out a whole case because of  
3 a warrantless search, and I've done it before and it  
4 makes everybody mad but it's just the way it is, but  
5 I don't have any evidence here. The only evidence  
6 that I could find last night were the two statements  
7 by the people that are avoiding service right now.

8 So let's assume that you are right, but I don't  
9 have any evidence there was a search, unless you can  
10 point me to it.

11 MR. LUCAS: Well, Judge, the Fourth Amendment  
12 doesn't just protect against illegal searches. It  
13 also protects against seizures, as well. And what  
14 has happened is, we have the police going into a  
15 house without a warrant and without exigent  
16 circumstances and they seize it for 90 minutes. And  
17 then they seize Ms. Carswell for 90 minutes, as  
18 well.

19 And our position is that you can't separate  
20 that from everything, the search that happens later  
21 on, a statement that you have this initial  
22 illegality, and it's a big one. I mean, going into  
23 a house without a warrant and holding everybody  
24 against their will and not letting them go, that's a  
25 huge violation. That's exactly what the Fourth

1 Amendment protects against. And so what we -- what  
2 we have, Judge, is our position is that the evidence  
3 that they're going to try to admit at trial, mainly  
4 the drugs but certainly the statement is subject to  
5 it as well, is all directly derived from that  
6 initial warrantless entry into the house. So it's  
7 all fruit of the poisonous tree, and we think it  
8 ought to be suppressed, Your Honor.

9 THE COURT: Okay. Yes, ma'am.

10 MS. HOLAHAN: Your Honor, as you heard from the  
11 testimony, this was not a planned operation by the  
12 sheriff's office. This kind of happened spur of the  
13 moment, and they were going along with the  
14 developing information. It started off with this  
15 tip that they were not expecting that led to  
16 surveillance of the home, that led to the traffic  
17 stop of Tara Thomason, that then led officers to go  
18 in two directions.

19 Detective Acevedo immediately started to try to  
20 obtain a search warrant. He testified that he knew  
21 it was after hours, that it would probably be hard  
22 to track down the on-call magistrate judge to get  
23 him to sign a search warrant. So while Detective  
24 Acevedo was off doing that aspect, there were other  
25 members of the narcotics teams that did go to [REDACTED]

1 Fairlane Drive. They did enter the home and they  
2 did secure the area as they all testified to. They  
3 were not searching for drugs at that time. They  
4 were simply looking for people to sort of hit pause  
5 of all the activity that was happening in the house  
6 at that time.

7 That is exigent circumstances right there.  
8 They didn't have time to fully go out and get a  
9 search warrant. What they did though, was they --  
10 they paused all the activity happening at the house  
11 to allow Detective Acevedo to go on and get a search  
12 warrant. It doesn't have to be destruction of  
13 evidence only as a reason. It can be the removal of  
14 the evidence from the property.

15 And you heard Detective Proner say that during  
16 surveillance a number of cars were coming and going  
17 from the property. While they were waiting for the  
18 execution -- for the search warrant to get there and  
19 during the execution of the search warrant, more  
20 cars were arriving on the property. So this was not  
21 a place that was out of the way that people would  
22 not come to or leave. This was an area that had a  
23 lot of traffic, so it was important for officers to  
24 go ahead and secure that scene, which is what they  
25 did.

1           It took Detective Acevedo about an hour and a  
2 half to get back to the house with the search  
3 warrant. That's an hour and a half where those  
4 drugs could've left the property. That's an hour  
5 and a half that they could've been destroyed. They  
6 could've been used. That goes to destruction of  
7 evidence. So we feel that exigent circumstances do  
8 apply and they do allow the officers to get into the  
9 house just to pause the activity going on there.

10           As to the seizure of the defendant in this  
11 case, she was under police control for about an hour  
12 and a half, but under the circumstances we feel like  
13 that's reasonable because that's how long it took to  
14 get the search warrant to the house.

15           If Your Honor disagrees with exigent  
16 circumstances, then I would argue inevitable  
17 discovery. When the officers arrived, there was  
18 already a search warrant in the process. The people  
19 had been -- been detained once the search warrant  
20 got there, so the end, they would've had the same  
21 result.

22           THE COURT: Well -- no. It's not that I  
23 disagree with that. I just -- I don't think there's  
24 any -- I mean, this is a suppression hearing. I  
25 don't -- if I had -- I mean, and this is where I

1 thought we might be headed today. If I had any  
2 evidence that there had been an illegal search -- I  
3 understand the seizure is prohibited, but it's  
4 illegal search and seizure. I don't -- I mean,  
5 basically as your case says, narcotics are sort  
6 of -- the phrase they use is particularly compelling  
7 because they are subject to use and easy  
8 destruction.

9 So I also think that the standard is an  
10 objective standard on their part, not subjective.  
11 And if they objectively believe that there might be  
12 evidence destroyed or sold, I think that's an  
13 exigent circumstance.

14 If I had heard testimony today that there had  
15 been a search, which is where I would have been  
16 looking, then it would be a much harder decision. I  
17 mean, but the only thing in front of me is that  
18 every officer said there was no search. I want to  
19 believe that. I mean, I think that the sheriff's  
20 department should understand this case. If there  
21 had been testimony or evidence of a search, no  
22 matter what was found, this case would be kicked.  
23 It just would be because you just can't do that.

24 But given the short interim between the CI's  
25 tip and putting together the situation, given the

1 fact that there were people coming and going and  
2 that was what I wrote in my notes, I think I wrote  
3 down, you know, drugs could've been sold.

4 Let me ask you this and y'all tell me, how much  
5 is \$40,000 worth of meth? I have no idea. I mean,  
6 how much does that buy you in South Carolina? A  
7 pound or...

8 DETECTIVE ACEVEDO: \$40,000?

9 THE COURT: Of value. I mean, how much ---

10 DETECTIVE ACEVEDO: Several kilos.

11 THE COURT: So two kilos? That's a lot.

12 DETECTIVE ACEVEDO: Several.

13 THE COURT: Seven kilos?

14 DETECTIVE ACEVEDO: Several. Several.

15 THE COURT: Several?

16 DETECTIVE ACEVEDO: Yes, sir.

17 THE COURT: I mean, I think there's enough  
18 here, you know, because -- and, again, I understand  
19 the defense is really hamstrung by the fact that  
20 they have two witnesses who said something in the  
21 statement that if they said here would make me  
22 pause, but they decided not to appear and they're  
23 apparently actively evading your search warrant --  
24 your bench warrants and your subpoena.

25 So based upon what I have in front of me, which

1 is the testimony of these officers, and each one of  
2 them testified that there was objective exigent  
3 circumstances and there's no testimony or evidence  
4 otherwise, I'm going to find that exigent  
5 circumstance -- circumstances existed.

6 And in Officer Acevedo's affidavit, there was a  
7 mention of exigent circumstances. And I can't  
8 remember, what was the -- the sentence? I can flip  
9 back through. I just want it for the record because  
10 he referred to it and ---

11 MS. HUCKER: He did, Judge.

12 THE COURT: --- I've got 11 pages here of my  
13 handwriting which is not...

14 MS. HUCKER: Where is the search warrant? Oh,  
15 right here.

16 THE COURT: What was -- reference his language  
17 for the exigent circumstances. It was in his  
18 supplemental report.

19 MS. HOLAHAN: Your Honor, I have his  
20 supplemental report right here.

21 THE COURT: That's where it was.

22 MS. HOLAHAN: The language that he used is that  
23 he went to obtain a search warrant for this address  
24 to secure the residence and preserve evidence.

25 THE COURT: Yeah.

1 MS. HUCKER: And, Your Honor, he does mention  
2 in the search warrant, "Detectives and deputies from  
3 the special investigations unit responded to [REDACTED]  
4 Fairlane Drive and secured all the occupants along  
5 with the residence for evidence preservation without  
6 any incident."

7 MR. LUCAS: Your Honor, we have a couple of  
8 things for purposes of the record.

9 THE COURT: Sure.

10 MR. LUCAS: So we understand the Court is  
11 finding that exigent circumstances existed. We  
12 would like to add -- and I think this has been  
13 touched on initially -- that there's been no  
14 evidence that anyone in the house had any idea that  
15 law enforcement was present or outside.

16 THE COURT: Well, that's not before me. I  
17 don't know. That's your problem. Your problem is  
18 you got nobody here to say, "We were just sitting  
19 around watching TV." I mean, it's an objective  
20 standard. That's where I -- that's where last night  
21 I -- I thought if somebody comes in here and puts a  
22 credibility at issue, but there's no evidence that  
23 they didn't know.

24 MR. LUCAS: Your Honor, the issue is that the  
25 burden isn't on us here. It's on the State to show



1       that, and they've not put up one bit of evidence  
2       showing that anyone in the house had any awareness  
3       of law enforcement. And the issue being is that no  
4       one in the house is aware that law enforcement is  
5       outside and there's no reason for them to destroy  
6       anything in the house. And that -- that's been  
7       recognized by the Supreme Court that persons in  
8       possession of valuable drugs are unlikely to destroy  
9       them, unless they fear discovery, which is *Kentucky*  
10      *v. King*.

11           THE COURT: Yeah, I mean, I understand, but I  
12      don't -- objectively, there's just no evidence. I  
13      mean, there's no evidence at all. I'm not sure  
14      that's a part of their burden because...

15           MR. LUCAS: And we would also argue that if the  
16      Court were to find inevitable discovery or  
17      something, that would have to be shown by the State.  
18      And so ---

19           THE COURT: Say that again. I'm sorry.

20           MR. LUCAS: Your Honor, my understanding is  
21      that you're finding that exigent circumstances did  
22      exist. But for purposes of the record for appeal,  
23      it's our understanding that if the appellate court  
24      would reach inevitable discovery, that's something  
25      that also has to be proven by a preponderance of the

1 evidence by the State, and that's *Nix v. Williams*.

2 THE COURT: I'm not even reaching there because  
3 I think their backup argument of inevitable  
4 discovery, I'm not sure as far as -- I'm not ruling  
5 on that. I think it's probably true, but since I'm  
6 finding exigent circumstances...

7 I mean, and -- and I just don't think  
8 objectively there's any testimony because  
9 objectively I've got to find that there were exigent  
10 circumstances. I don't think a part of that is  
11 that -- I understand the case says -- the case you  
12 handed up mentions that people might not have known  
13 that they were out there. There's just no testimony  
14 in front of me as to whether these -- this lady was  
15 pulled a half mile or a tenth of a mile. I sort of  
16 waited on that to see if it was visible from the  
17 house when they pulled her, but there's nothing  
18 there.

19 So based upon what's in front of me, I --  
20 that's my ruling on that. You guys are just  
21 hamstrung because everybody that could help you is  
22 in the wind. Okay. I mean, you're protected for  
23 the record ---

24 MR. LUCAS: Thank you.

25 THE COURT: --- and your brief was part of the

1 know you need a break, and we'll take a break right  
2 then. Okay. Y'all have been very patient. You  
3 were very patient Monday, and I appreciate your  
4 patience.

5 All right. Yes, ma'am.

6 MS. HOLAHAN: May it please the Court?

7 THE COURT: Yes, ma'am.

8 MS. HOLAHAN: Good morning, ladies and  
9 gentlemen.

10 On March 12, 2018, officers with the Anderson  
11 County Sheriff's Office narcotics division conducted  
12 surveillance on a home at [REDACTED] Fairlane Drive here in  
13 Anderson County. As a result of that surveillance  
14 and a following investigation, a search was done of  
15 that residence.

16 During the search, methamphetamine was found  
17 inside the house. The defendant, Nancy Elaine  
18 Carswell, was also inside the house at the time.  
19 Now, because of the amount of methamphetamine found,  
20 Nancy Elaine Carswell was charged with trafficking  
21 in methamphetamine between 100 and 200 grams.

22 Now, for a person to be convicted of  
23 trafficking in methamphetamine between 100 and 200  
24 grams, the State has to prove three things.

25 First, we have to prove that the defendant was

1 in possession of the substance.

2 Second, we have to prove that the substance  
3 was, in fact, methamphetamine.

4 And third, we have to prove that the weight of  
5 the methamphetamine was between 100 and 200 grams.

6 Now, the State is going to do that through the  
7 testimony of law enforcement officers and through a  
8 forensic chemist. It is our burden to prove each of  
9 those elements beyond a reasonable doubt.

10 Now, this trial is important to the State and  
11 it's important to the defendant, so I ask that you  
12 please listen carefully to the testimony of all the  
13 witnesses. And at the close of the evidence, if you  
14 believe that the State has met its burden and that  
15 we have proven Nancy Elaine Carswell guilty of  
16 trafficking in methamphetamine between 100 and 200  
17 grams, you must find her guilty. Thank you.

18 MR. LUCAS: May it please the Court?

19 THE COURT: Yes, sir.

20 MR. LUCAS: Nancy Carswell is not here today,  
21 but she has pled not guilty to this charge and has  
22 asked for a jury trial. And she has asked for a  
23 jury trial because she is asserting her innocence in  
24 this case.

25 The State, as the judge has told you, has the

1       burden of proving Ms. Carswell guilty. That's a  
2       very heavy burden for them to prove. And at the end  
3       of this case, I'm going to ask that you find  
4       Ms. Carswell not guilty of trafficking in  
5       methamphetamine because the State will have been  
6       unable to -- to make the showing.

7               And the reason that they can't make the showing  
8       is because there are problems with some of the main  
9       facts that they're going to ask you to rely upon  
10      that will prevent them from carrying their burden of  
11      proof. So there are a couple of main facts that  
12      they are going to ask you to rely upon to believe to  
13      convict Ms. Carswell.

14             First, is a -- is going to be testimony by Tara  
15      Thomason. She's their main witness who will testify  
16      that she brought drugs to this home. Well, there  
17      are real reasons to question Ms. Thomason's  
18      reliability, the credibility of her testimony.

19             You're going to hear that she is a convicted  
20      methamphetamine dealer. You're going to hear that  
21      despite what her testimony is, she was never charged  
22      in this case. You're going to hear that she  
23      recently pled guilty to some very, very serious drug  
24      charges in Federal court, that she is awaiting  
25      sentencing on those charges, that she's facing

1 really an astonishing amount of time, and that she's  
2 testifying here today in an effort to get less time,  
3 to get a better sentence in Federal court. That is  
4 a reason to doubt the State's case.

5 You are also going to hear and, in deed, the  
6 Solicitor has already told you, that Nancy Carswell  
7 was in the house when these drugs were allegedly  
8 delivered. And you're going to hear testimony that  
9 she was in the same room when the police entered the  
10 home where the drugs were eventually found. And  
11 that's true. We don't dispute that. But what you  
12 need to be aware of is that there were three other  
13 people in that room as well, which means the -- the  
14 importance of that testimony is rather limited.  
15 That's a reason to doubt the State's case.

16 And then third, you're going to hear from  
17 Detective Acevedo and the State's going -- well,  
18 he's going to testify that Ms. Carswell allegedly  
19 made a statement to him at the home. Well,  
20 Detective Acevedo, he doesn't wear a body camera.  
21 He didn't record this statement. Nobody else heard  
22 this alleged statement. That's a reason to doubt  
23 the reliability of his testimony.

24 So at the end of today or perhaps tomorrow if  
25 this trial stretches into a second day, I'm going to

1       come back. And at the close of the case, we'll talk  
2       about all of this in more detail, but I'm going to  
3       ask you to find Ms. Carswell not guilty because the  
4       State, I don't expect, will have carried its burden  
5       of proof. And as the judge will tell you, that is  
6       proof beyond a reasonable doubt. That is a really,  
7       really high burden for them to prove. And, in deed,  
8       it's the highest burden in our justice system. It's  
9       higher than you have to show to win a civil case.  
10      It's higher even than the clear and convincing  
11      standard that the Government would have to show in  
12      family court to take someone's children away.

13               Now, I submit to you that after you listen to  
14      the facts of this case and you apply that burden  
15      upon it, that the State's case is like a house of  
16      cards. And when you pull one of these main facts  
17      that they're asking you to rely upon away, that that  
18      case cannot stand, that that house divided cannot  
19      stand. So at the end I'll ask you to find  
20      Ms. Carswell not guilty. Thank you.

21               THE COURT: All right. You can call your first  
22      witness.

23               MS. HUCKER: Judge, if we can briefly have a  
24      moment.

25               THE COURT: Oh, that's right. I'm sorry. You

1 They'll show an ID, make sure they're the right  
2 person, and then she'll swear them in. And I  
3 realize how odd it is, but treat this person just as  
4 if she were testifying.

5 MS. HOLAHAN: Your Honor, the State calls Karen  
6 Bowen.

7 THE COURT: Thank you.

8 THE CLERK: Ma'am, can you hear me okay?

9 THE WITNESS: Yes, ma'am.

10 THE CLERK: And are you Karen Bowen with the  
11 Anderson/Oconeel Forensics Lab?

12 THE WITNESS: Yes, ma'am.

13 THE CLERK: And do you have identification to  
14 show me that?

15 THE WITNESS: Yes.

16 THE CLERK: Okay. If you would, please raise  
17 your right hand.

18 THE WITNESS: (Complying.)

19 THE CLERK: Do you solemnly swear or affirm the  
20 testimony you'll give this Court is the truth, the  
21 whole truth, and nothing but the truth?

22 THE WITNESS: Yes, I do.

23 THE CLERK: Thank you very much.

24 THE COURT: All right. Yes, ma'am.

25 KAREN BOWEN,



1       having been produced and first duly sworn as a  
2       witness on behalf of the State, testified as  
3       follows:

4                               DIRECT EXAMINATION

5       BY MS. HOLAHAN:

6       Q.     Ms. Bowen, can you hear me?

7       A.     Yes.

8       Q.     Okay. Can you please state your name again for  
9       the record?

10      A.     My name is Karen Bowen, B-o-w-e-n.

11      Q.     And where are you currently employed?

12      A.     I'm employed at the Anderson/Oconee Regional  
13      Forensics Laboratory.

14      Q.     What is your position there?

15      A.     I'm a technical leader for drug analysis.

16      Q.     How long have you been employed in that  
17      position?

18      A.     I've been in that position for almost  
19      two-and-a-half years.

20      Q.     And what is the nature of your duties at the  
21      laboratory?

22      A.     I analyze evidence for the presence of  
23      controlled substances. I write reports based on my  
24      analytical findings. And then I will testify as  
25      needed in court to those findings, as well.

1 Q. What is your educational background?

2 A. I have a bachelor's degree in forensic science  
3 from Eastern Kentucky University. As part of my  
4 degree program, I completed an internship in a drug  
5 analysis section. And that was the end of my formal  
6 education and training. I've had many on-the-job  
7 trainings and workshops and seminars since then.

8 Q. Approximately, how many drug samples have you  
9 analyzed?

10 A. I've analyzed over 10,000 cases.

11 Q. Have you ever been qualified as an expert in  
12 analysis of controlled substances before?

13 A. Yes, ma'am.

14 MS. HOLAHAN: Your Honor, at this time the  
15 State would move to have Karen Bowen qualified as an  
16 expert witness in the field of forensic chemistry  
17 and narcotic analysis.

18 THE COURT: Any objection?

19 MR. OPPERMAN: No objection, Your Honor.

20 THE COURT: Without objection, she's qualified.

21 BY MS. HOLAHAN:

22 Q. Karen, I'm going to show you what has been  
23 marked as State's Exhibit 15 for identification  
24 purposes. Let me know if I need to adjust the  
25 camera angle. Do you recognize this?

1 A. Yes, ma'am. I recognize that outer pack.

2 Q. Okay. And what was this?

3 A. That package contained a sealed drug evidence  
4 kit submitted to the lab for examination.

5 Q. Okay. And I'm opening up that envelope and  
6 showing you what was inside. Are you able to  
7 recognize this?

8 A. Yes. That's my sealed evidence kit from  
9 laboratory file L1800419.

10 Q. And how are you able to recognize it?

11 A. There's a laboratory -- laboratory file sticker  
12 on the outside of the container. On the inside of  
13 the container is a laboratory barcode packing  
14 sticker. And then on the outer package has a  
15 laboratory barcode or a laboratory file number  
16 sticker. The inner package has a laboratory barcode  
17 sticker for tracking. And all the inner packages  
18 have my handwritten laboratory file number and item  
19 number and initials.

20 Q. All right. Thank you. Can you please describe  
21 how this evidence was brought to you and what you  
22 did when you received it?

23 A. Yes. I received the sealed evidence kit from  
24 Ms. Jan Robison from the Anderson County Sheriff's  
25 Office. I retrieved it, made sure it was sealed.

1 Verified that the paperwork and case numbers all  
2 match, that I have received the items that were  
3 intended to come to me.

4 I placed it in storage until I was prepared to  
5 analyze the case. Once I removed it from storage, I  
6 did an inventory of all the items that were  
7 contained in bags, weighed, and sampled those items  
8 to begin my analysis.

9 Q. And I know it's not before you anymore, but the  
10 evidence I showed you earlier, did that appear to be  
11 in the same condition as when you last saw it?

12 A. Can I see the bottom again to ensure that my  
13 sealed initials are at the bottom of the package,  
14 please?

15 Q. Yes, you may.

16 A. Thank you.

17 Q. Is that in the same condition as when you last  
18 sealed it?

19 A. Yes, it is.

20 Q. Did you, in fact, examine that evidence for the  
21 presence of a controlled substance?

22 A. Yes, I did.

23 Q. Okay. And can you please describe the  
24 examination process that you -- that you go through  
25 when you analyze a substance?

1 A. Each substance may require a different series  
2 of examinations, but they all contain at least one  
3 confirmatory technique for examination and a series  
4 of preliminary examinations, as well.

5 Q. As part of that examination, do you weigh the  
6 substance?

7 A. Yes, ma'am.

8 Q. Okay. And the scales that you use, are those  
9 calibrated or do you check them in some way to  
10 ensure that they're accurate?

11 A. Yes. I check the calibration on that  
12 balance -- on all the balances I use in the  
13 laboratory each day that I perform any weighing  
14 events or examinations.

15 They're also calibrated by external measures a  
16 couple times a year to ensure that they are weighing  
17 accurately. And then I verify that each time I use  
18 it.

19 Q. As a result of your examinations, do you have  
20 an opinion concerning what State's -- or what was  
21 identified as State's Exhibit 15 contained?

22 A. Yeah, I have several items contained in State's  
23 Exhibit 15.

24 Q. Okay. Let me ask specifically for Item A.02.

25 A. Oh, yes. Yes. I examined Item A.02, which was

1 a sealed envelope marked D-3. It contained a clear  
2 plastic Ziploc bag which contained a crystalline  
3 substance. My identification of that crystalline  
4 substance was that it was found to contain  
5 methamphetamine with a weight of 139.57 grams.

6 Q. And can you please tell me your opinion as to  
7 Item A.03?

8 A. Yes. Item A.03 was also a sealed envelope that  
9 was marked D-4 containing a piece of white plastic  
10 grocery bag, which contained a crystalline  
11 substance. And my result from that examination was  
12 that it also contained methamphetamine with a weight  
13 of 0.65 grams.

14 Q. Ms. Bowen, as part of your examination, do you  
15 produce a report that reflects your findings?

16 A. Yes, I do.

17 Q. I'm going to show you what has been marked as  
18 State's Exhibit 17 for identification purposes.  
19 Please let me know if you recognize this, and if I  
20 need to adjust it in any way.

21 A. Just hold it still one second and it'll focus.

22 Q. (Complying.)

23 A. Yes. I recognize that. If you also could flip  
24 to each page so I could verify those.

25 Q. Yes, ma'am. So this was page one.

1 A. Yes.

2 Q. Page two.

3 A. Yes, ma'am.

4 Q. And page three.

5 A. Yes. Thank you.

6 Q. So that is the report that you produced as a  
7 result of the analysis of those substances?

8 A. Yes. That is a true and accurate copy of my  
9 drug analysis report that also contained my  
10 signature on page 3.

11 Q. And is this report produced in the course of  
12 ordinary business at the Anderson/Oconee Regional  
13 Forensic Lab?

14 A. Yes, it is.

15 Q. And the report that I showed you, it had not  
16 been altered in any way, correct?

17 A. That's correct.

18 MS. HOLAHAN: Your Honor, at this time I ask  
19 that State's Exhibit 17 be admitted into evidence.

20 THE COURT: Any objection?

21 MR. OPPERMAN: No objection, Your Honor.

22 MR. LUCAS: Your Honor, yeah, that -- that's --  
23 that's not correct. Yeah, I've seen it. I'm aware  
24 of it.

25 Your Honor, we would object on the basis of the

1 lack of foundation.

2 THE COURT: No. Hold on a minute.

3 Ladies and gentlemen, I need to send you out of  
4 the courtroom for just a minute. Please don't  
5 discuss the case.

6 (At 10:49 a.m., jury left the courtroom.)

7 THE COURT: Okay. Yes, sir.

8 MR. LUCAS: Your Honor, the objection is  
9 twofold.

10 First off, for the lack of foundation since we  
11 don't have a chain showing that the drugs that were  
12 seized in the house were the same ones that had been  
13 taken here and shown to the chemist. I think that  
14 they're probably -- a chain or a good chain does  
15 exist, but it's not established yet. So I think the  
16 introduction is not proper until that chain is  
17 established.

18 And then the second objection, Your Honor, is  
19 that the lab report is also fruit of the poisonous  
20 tree, that it's derived from drugs that were derived  
21 from an unlawful seizure.

22 THE COURT: Okay. Well, on that one, that  
23 falls under the exigent circumstances, so I'll deny  
24 that.

25 I am a little worried about the chain issue. I



1 know you had to call this person out of turn. Why  
2 don't you just ask her to explain a little bit more  
3 about how it got from the house to her. Normally,  
4 she would kind of be the last person to testify.

5 MS. HOLAHAN: Exactly, Your Honor. At this  
6 point we're not seeking to admit the drugs in.  
7 We're only seeking to admit her lab report which  
8 she's already testified to that this lab report is  
9 specifically connected to the substances that  
10 were ---

11 THE COURT: All right. Well, on the lab  
12 report, I'll allow that. And then we'll have to  
13 deal with the chain later. Okay.

14 MS. HOLAHAN: Yes, sir.

15 THE COURT: I mean, this is her lab report?

16 MS. HOLAHAN: Yes, Your Honor. This is the lab  
17 report that she created. We're not admitting the  
18 substance at this time.

19 THE COURT: Okay.

20 (At 10:52 a.m., jury entered the courtroom.)

21 THE COURT: Okay. All right. That's admitted.

22 MS. HOLAHAN: All right. Thank you, Your  
23 Honor.

24 (State's Exhibit No. 17 was received into  
25 evidence.)

1 BY MS. HOLAHAN:

2 Q. Ms. Bowen, I'm going to show you again what has  
3 now been admitted as State's Exhibit 17, which you  
4 said was your lab report for the substances that you  
5 tested.

6 A. Yes.

7 Q. Can you read to us again what your findings are  
8 for Item A.02?

9 A. My findings for A.02, it was found to contain  
10 methamphetamine with a weight of 139.57 grams.

11 Q. Thank you. And can you tell me for Item A.03?

12 A. A.03 contained methamphetamine with a weight of  
13 0.65 grams.

14 MS. HOLAHAN: All right. Thank you. I have no  
15 further questions for you.

16 THE COURT: Okay. Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. OPPERMAN:

19 Q. Hey, Ms. Bowen.

20 A. Hello.

21 Q. It's my first time doing a FaceTime cross, so  
22 I'll -- I'll do what I can to stay in the screen  
23 here.

24 A. Thank you.

25 Q. Is this your first time testifying in South

1 Carolina?

2 A. No, sir. This is the second time I've  
3 testified in South Carolina.

4 Q. Okay. All right. Are you consulting any notes  
5 when testifying today?

6 A. I do have a copy of my entire laboratory file  
7 in front of me.

8 Q. Okay. So you also have some documents along  
9 with the laboratory file in front you while you  
10 testify; is that correct?

11 A. It's all part of the laboratory documentation.  
12 I don't have any extra notebooks or textbooks or  
13 anything like that.

14 Q. Well, what are those things specifically?

15 A. It's the analytical printouts from the  
16 instrumentation, as well as the weigh reports from  
17 the balance I use, the notes I've taken in the  
18 laboratory, and then a copy of the lab report from  
19 State's Exhibit 17.

20 Q. And have those been provided to the Solicitor?

21 A. They were not requested in this case, no.

22 Q. You tested one baggy, which you determined to  
23 weigh 139 grams; is that right? That's the A.02?

24 A. Yes, sir.

25 Q. Approximately? And not 79 grams, but

1 139 grams, right?

2 A. 139.57. Yes.

3 Q. Okay. Now you have no idea who actually  
4 possessed those drugs; is that right?

5 A. I have no idea who -- how that came to the  
6 laboratory or who it had come from.

7 Q. And that's not your job to determine that,  
8 right?

9 A. That's correct.

10 Q. Okay. Do you determine whether the substance  
11 you test is pure methamphetamine?

12 A. I do not. I only test that it contains  
13 methamphetamine.

14 Q. Okay. So you don't test whether it's been cut  
15 or not?

16 A. That's correct.

17 Q. And your test doesn't reveal any information  
18 about what percentage of the substance is actually  
19 methamphetamine?

20 A. That's absolutely correct.

21 MR. OPPERMAN: Thank you very much, Ms. Bowen.  
22 I have nothing further.

23 THE WITNESS: Thank you.

24 THE COURT: Anything on redirect?

25 MS. HOLAHAN: No, Your Honor.

1 THE COURT: Okay. Can this witness be excused?

2 MS. HUCKER: Yes -- yes, Your Honor.

3 THE COURT: From the defense, do you have any  
4 objection to this witness being ---

5 MR. LUCAS: Your Honor, we have a brief matter  
6 of law to take up.

7 THE COURT: All right. Ladies and gentlemen, I  
8 need to send you out one more time.

9 (At 10:55 a.m., jury left the courtroom.)

10 THE COURT: Yes, sir.

11 MR. LUCAS: Your Honor, I'm concerned that she  
12 is testifying with notes that she's saying that she  
13 hasn't provided to us. And so we got her report,  
14 but not any, you know, background information  
15 related to that. And I think that that's covered by  
16 5-D, and we certainly follow Rule 5 in this case.

17 THE COURT: Well, I mean, go ahead and proffer.  
18 I mean, I don't know. I -- my -- what I heard was  
19 that she didn't give you any notes, right?

20 MS. HUCKER: No, Your Honor.

21 THE COURT: Yeah, you can ask her. I mean,  
22 despite the fact that the Solicitor is required to  
23 turn over anything they have, but let's find out if  
24 there's anything just to preserve that issue.

25 PROFFER EXAMINATION

1 BY MR. OPPERMAN:

2 Q. Ma'am, just give me a second. Okay. This is  
3 for the record, so what did the ---

4 A. Okay.

5 Q. --- what did the Solicitor ask you to turn  
6 over?

7 A. I had no special requests from the Solicitor,  
8 other than the drug laboratory report that we  
9 provide for every case.

10 Q. Okay. Regarding the notes, documents that  
11 you're relying on for your testimony today, what's  
12 there that you haven't shared with the Solicitor?

13 A. They're analytical printouts from the  
14 instrumentation, the data that I use to derive my  
15 opinions.

16 Q. Anything else?

17 A. No, sir. Just my -- my casework that I  
18 produced to complete the laboratory requests or the  
19 final analysis form.

20 Q. And what does that look like?

21 A. I'm sorry. What does which look like?

22 Q. You said your casework. I want to make sure  
23 when you say casework, is that distinct from those  
24 analytical printouts?

25 A. It's the notes related to my printout that I --

1 I did this test and the date that it was completed,  
2 an inventory of the analytical printouts.

3 MR. OPPERMAN: Just a moment, ma'am. That's  
4 all I got for you on that, Ms. Bowen. Thank you.

5 THE WITNESS: Okay. Thank you.

6 THE COURT: Okay. All right. You're protected  
7 for the record, but I -- if there were no notes and  
8 Rule 5 requires you turn them over.

9 And I'm assuming -- this is Judge Maddox. I'm  
10 assuming that all of your notes were incapsulated in  
11 your report; is that correct?

12 THE WITNESS: Yes. They're all used to form  
13 the opinions that I issued in the report.

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

16 THE WITNESS: Thank you, Judge.

17 THE COURT: You want to disconnect her before  
18 we bring them back in?

19 MS. HUCKER: Thank you, Judge.

20 (Witness excused.)

21 THE COURT: We're not taking a break. I'll  
22 just be right back.

23 (From 11:00 to 11:04 a.m., brief recess.)

24 (At 11:04 a.m., jury entered the courtroom.)

25 THE COURT: All right. Ladies and gentlemen,

313

1 thanks for your patience. You can call your next  
2 witness.

3 MS. HUCKER: State calls Tara Thomason.

4 THE WITNESS: (Approaching.)

5 THE CLERK: Raise your right hand.

6 THE WITNESS: (Complying.)

7 THE CLERK: Do you solemnly swear or affirm the  
8 testimony you give this Court is the truth, the  
9 whole truth, and nothing but the truth?

10 THE WITNESS: I do.

11 THE CLERK: Thank you. If you would, just walk  
12 around to the witness chair.

13 THE WITNESS: (Complying.)

14 THE CLERK: Please state your full name for the  
15 record and spell your last name.

16 THE WITNESS: Tara Melissa Ellis Thomason,  
17 T-h-o-m-a-s-o-n.

18 TARA THOMASON,  
19 having been produced and first duly sworn as a  
20 witness on behalf of the State, testified as  
21 follows:

22 DIRECT EXAMINATION

23 BY MS. HUCKER:

24 Q. Good morning, Ms. Thomason. How are you?

25 A. Good.



1 Q. Good. And how old are you?

2 A. Forty.

3 Q. Forty. Where are you from originally?

4 A. Abbeville.

5 Q. Okay. And I see you're in a jumpsuit today.

6 Are you incarcerated right now?

7 A. Yes, ma'am.

8 Q. Okay. Where are you incarcerated?

9 A. Spartanburg County Detention Center.

10 Q. Okay. And what are you incarcerated for?

11 A. Conspiracy to traffic methamphetamines and  
12 possession with intent to distribute  
13 methamphetamines.

14 Q. Okay. And were you incarcerated on March 12,  
15 2018?

16 A. No, ma'am.

17 Q. Where were you living then?

18 A. [REDACTED] Holt Drive, Iva, South Carolina.

19 Q. Okay. And how long had you lived in Iva or  
20 Anderson?

21 A. Since about 2012.

22 Q. And do you know the defendant, Nancy Carswell?

23 A. Yes, ma'am.

24 Q. Do you know her by any other names?

25 A. Yes, ma'am.

315

1 Q. What do you know her by? What do you call her?

2 A. Elaine Driver.

3 Q. Elaine Driver? And how do you know her?

4 A. My nephew dates her granddaughter and I know  
5 her just from knowing the same people, being in the  
6 same places.

7 Q. Okay. And before March 12, 2018, about how  
8 long had you known her?

9 A. Approximately, six months.

10 Q. And do you know Roy Walters, Roy Cecil Walters?

11 A. Yes, ma'am.

12 Q. How do you know him?

13 A. From being with Nancy or Elaine.

14 Q. Okay. And did you come into contact with Roy  
15 Walters or Nancy Carswell on March 12, 2018?

16 A. Yes, ma'am.

17 Q. How'd you come in contact with them?

18 A. She called me and asked me to come pick up some  
19 money that she owed me and wanted some more  
20 methamphetamines.

21 Q. Okay. And how are you supposed to get the  
22 money from her or give her the drugs?

23 A. She asked me to meet Roy in the Watson Village  
24 parking lot in Anderson.

25 Q. Okay. And were you going to get the money or

1 the drugs in the Watson Village parking lot?

2 A. No, ma'am. She wanted me to meet him and then  
3 follow him to the address that she was at.

4 Q. Okay. Did you know what address they were  
5 staying at?

6 A. No, ma'am.

7 Q. And did you meet Roy Walters like Nancy  
8 Carswell wanted you to?

9 A. Yes, ma'am.

10 Q. And where did you meet him?

11 A. In the Watson Village parking lot.

12 Q. What were you driving?

13 A. A 2003 BMW.

14 Q. What color was it? Do you remember?

15 A. A dark gray charcoal color.

16 Q. Okay. And what kind of car was Roy Walters  
17 driving?

18 A. A Burgundy Chevrolet Blazer.

19 Q. What did you do after you met Roy Walters in  
20 the parking lot at Watson Village?

21 A. I followed him to a convenient store right down  
22 the road, and he went in the store and purchased a  
23 drink. And then I followed him to a house.

24 Q. Okay. Do you remember where the house was?

25 A. It was in the neighborhood behind that gas

1 station, but I'm not sure.

2 Q. But you don't know the address?

3 A. No, ma'am.

4 Q. Okay. What did you do when you arrived at the  
5 house?

6 A. I got out of the car and went to the trunk and  
7 got out a -- like a gift bag that had the drugs in  
8 it and went in the house.

9 Q. Did you put the drugs in the gift bag?

10 A. They were already in the gift bag.

11 Q. Okay. And who was in the house when you went  
12 inside?

13 A. I heard people in there, but I didn't see  
14 anybody. The only person I come in contact was --  
15 with was Elaine, and she was in a bedroom. And as  
16 soon as you come in the front door, I turned to the  
17 room on the left and she was in there and Roy come  
18 in with me.

19 Q. Okay. And was anyone else in the bedroom with  
20 you and Roy and Nancy or Elaine?

21 A. No, ma'am.

22 Q. It was just the three of you?

23 A. Yes, ma'am.

24 Q. Okay. And where was Nancy Elaine Carswell in  
25 the bedroom when you got in? Do you remember?

1 A. She was either sitting on the side of the bed  
2 or standing beside of the bed.

3 Q. Okay. And what did you do when you got in that  
4 bedroom?

5 A. I took the drugs out of the bag and gave them  
6 to her. And she proceeded to pull money out of the  
7 red first aid kit thing that she had. And then she  
8 got some money from Roy to add to the money that she  
9 had and then handed it to me and told me it was  
10 somewhere around \$1100, but I counted it and it was  
11 more than \$1100. It was approximately \$1400.

12 And so I took the money and I put it in my bra,  
13 and then she took the drugs that I had in the gift  
14 bag and put it in that first aid kit.

15 Q. Did you correct her and tell her that it was  
16 more than \$1100?

17 A. I did.

18 Q. Okay. And about how much methamphetamine did  
19 you give to Nancy Carswell?

20 A. Approximately, 79 grams.

21 Q. Okay. And is the 79 grams, is that all the  
22 methamphetamine that you saw in that room?

23 A. No. She still had some in that first aid bag.

24 Q. Okay. About how much do you think it was?

25 A. From what I remember seeing, probably ---

1 MR. LUCAS: I'm going object to that, Your  
2 Honor. That's speculation.

3 THE COURT: Okay. Well, overruled. I'll allow  
4 her if -- if she saw it. Only if you saw something.

5 THE WITNESS: My judgement, it was  
6 approximately a gram -- I mean, an ounce, about 28  
7 grams.

8 BY MS. HUCKER:

9 Q. About 28 grams?

10 A. Yes, ma'am.

11 Q. Okay. And was that 28 grams in the first aid  
12 kit, as well?

13 A. Yes, ma'am.

14 Q. Okay. And what did she do with the 79 grams  
15 that you gave to her?

16 A. She put it in that red pouch.

17 Q. That red pouch?

18 A. There was also a little blue plastic bag that  
19 had a little bit. I don't know, maybe,  
20 one-and-a-half grams in it.

21 Q. Okay. Was -- I'm sorry. Go ahead.

22 A. And she took some out of that bag and put into  
23 a bowl that you smoke out of.

24 Q. Okay. And did you smoke any?

25 A. A little bit. Yes, ma'am.

1 Q. Okay. And did Nancy smoke any?

2 A. Yes, ma'am.

3 Q. Okay. And you said that was in the blue  
4 plastic bag?

5 A. Yes, ma'am.

6 Q. Was that blue -- where was that blue plastic  
7 bag located?

8 A. It was in that little red first aid kit too.

9 Q. Okay. And you said that she had about  
10 28 grams. How was her 28 grams packaged? Do you  
11 remember?

12 A. If I remember correctly, it was in a sandwich  
13 bag.

14 Q. Okay. About how long were you inside the  
15 house?

16 A. I was there less than an hour.

17 Q. Okay. And did you drive away from the house?  
18 Did you walk away from the house? What did you do?

19 A. Yes, ma'am. I got back in my car and drove  
20 away.

21 Q. In -- in your BMW?

22 A. Yes, ma'am.

23 Q. Okay. And what happened after you left?

24 A. I was on the road and I come up to a red light,  
25 and it was an officer in front of me. And I turned

321

1 out to the left behind him, and another officer got  
2 behind me. And I went down the road, and then they  
3 blue lighted me.

4 Q. Okay. And did you tell the officers anything  
5 when they pulled you over?

6 A. They asked me was there anything in the car  
7 like drugs or guns. I told them that there was  
8 paraphernalia in there and they searched.

9 Q. Okay. And what -- do you remember if they  
10 found anything?

11 A. They found a bowl and a baggy with some residue  
12 in it and approximately \$38,000.

13 Q. And did they find anything on you?

14 A. I had the money that I picked up from Elaine in  
15 my bra ---

16 Q. Okay.

17 A. --- and I gave it to them.

18 Q. Okay. And did you talk to any of the officers?

19 A. I did.

20 Q. Okay. What did you tell them? Do you  
21 remember?

22 A. Well, they wanted to know where the money come  
23 from. And I tried to lie and tell them that it was  
24 insurance money, but they told me that they knew it  
25 was drug money so I told them that it was.



1 Q. And why would you lie about the money being  
2 insurance money?

3 A. Because the money was owed, and I was scared  
4 what might happen if that money didn't get paid to  
5 where it was supposed to go.

6 Q. The money was owed to who?

7 A. To who I call my boss man.

8 Q. And were you scared of what would happen to you  
9 if the money didn't get paid?

10 A. Yes, ma'am.

11 Q. Now, you said you were incarcerated on  
12 possession with intent to distribute and conspiracy  
13 to traffic meth charges; is that right?

14 A. Yes, ma'am.

15 Q. And have you plead guilty to that charge?

16 A. Yes, ma'am.

17 Q. Okay. Have you been sentenced?

18 A. No, ma'am.

19 Q. And are those State charges or Federal charges?

20 A. Federal charges.

21 Q. And am I the prosecutor in your Federal case?

22 A. No, ma'am.

23 Q. Okay. Did I promise you anything in order to  
24 get you to come here to testify today?

25 A. No, ma'am.

1 Q. Did I threaten you in any way to get you to  
2 come here to testify today?

3 A. No, ma'am.

4 Q. Did any of the officers involved in this case  
5 or any other case promise you anything to get you to  
6 come here to testify today?

7 A. No, ma'am.

8 Q. Okay. Did anyone else threaten you or promise  
9 you anything in order to get you to come here to  
10 testify here today?

11 A. No, ma'am.

12 MS. HUCKER: Okay. Thank you so much. Please  
13 answer any questions that Mr. Lucas might have for  
14 you.

15 THE WITNESS: Yes, ma'am.

16 MR. LUCAS: May I have just one moment, Your  
17 Honor?

18 THE COURT: Yes, sir.

19 (Counsel conferring.)

20 CROSS-EXAMINATION

21 BY MR. LUCAS:

22 Q. Ms. Thomason, to be clear, you are in Federal  
23 custody right now?

24 A. Yes, sir.

25 Q. And you're a Federal inmate?

1 A. Yes, sir.

2 Q. And you're in custody because you pled guilty  
3 to conspiracy to distribute methamphetamine, 500  
4 grams or more, in Federal court?

5 A. Yes, sir.

6 Q. And you haven't been sentenced yet?

7 A. No, sir.

8 Q. And your sentencing is, you expect, coming up  
9 in November?

10 A. As far as I know.

11 Q. And you face a possible sentence of 15 years to  
12 life imprisonment?

13 A. Yes, sir.

14 Q. And so that means the minimum you could get is  
15 15 years as it stands?

16 A. Yes, sir.

17 Q. And you also pled guilty to a second Federal  
18 drug charge?

19 A. Yes, sir.

20 Q. And on that one, you face a sentence of 15  
21 years to life in prison, as well?

22 A. Yes, sir.

23 Q. So you're looking at a possibility of two life  
24 sentences?

25 A. Yes, sir.

1 Q. And you could die in prison?

2 A. Yes, sir.

3 Q. And by testifying here today, you're hoping to  
4 get a lesser sentence from ---

5 A. Yes, sir.

6 Q. --- your testimony?

7 A. Yes, sir.

8 Q. And you're looking to get a downward departure  
9 in your Federal cases?

10 A. Yes, sir.

11 Q. And that means get less time than what you're  
12 looking at now?

13 A. Yes, sir.

14 Q. And you've got some other prior criminal  
15 convictions, as well?

16 A. Yes, sir.

17 Q. Shopliftings from 2011?

18 A. Yes, sir.

19 Q. 2013?

20 A. Yes, sir.

21 Q. And two in 2015?

22 A. Yes, sir.

23 Q. And you've also been convicted of possession of  
24 methamphetamine in 2015?

25 A. Yes, sir.

1 Q. And possession of methamphetamine with intent  
2 to distribute in May of 2016?

3 A. Yes, sir.

4 Q. Now, you indicated that on March 12th you were  
5 pulled over when leaving this house. Why were you  
6 pulled?

7 A. They told me that I did an illegal lane swap.

8 Q. Do you know that to be true? Did you think you  
9 did anything wrong?

10 A. Yes, sir.

11 Q. And you told them that you had drug  
12 paraphernalia in the car?

13 A. Yes, sir.

14 Q. Did they ask for consent to search, or did they  
15 just search it?

16 A. They asked for consent to search.

17 Q. And what did you tell them?

18 A. Yes, sir.

19 Q. Now, when you say you went to this house, you  
20 met Roy Walters?

21 A. Yes, sir.

22 Q. And followed him to the house?

23 A. Yes, sir.

24 Q. And is your testimony that you were deliver --  
25 delivering either 79 or 80 grams to the house?

1 A. Yes, sir.

2 Q. And you later left the house and were pulled  
3 over, which we've talked about, correct?

4 A. Yes, sir.

5 Q. And after the police searched your car, they  
6 found a meth pipe?

7 A. Yes, sir.

8 Q. Some methamphetamine?

9 A. Residue. It wasn't a whole bunch.

10 Q. And then \$39,000 in cash in the back of the  
11 car?

12 A. Yes, sir.

13 Q. And you told them that that was money from drug  
14 trafficking?

15 A. Well, after I tried to lie to them first.

16 Q. And you told them that you made this delivery  
17 of drugs to the Fairlane Drive house, as well?

18 A. I didn't state that because I didn't know the  
19 address.

20 Q. But you told them you delivered some drugs?

21 A. Yes, sir.

22 Q. And despite all of that, they didn't actually  
23 arrest you, did they?

24 A. No, sir.

25 Q. And you didn't face any charges?

1 A. No, sir.

2 Q. And you've never been charged in connection  
3 with this?

4 A. I don't understand that.

5 Q. You're not facing any charges related to this  
6 case?

7 A. No, sir.

8 Q. And all you got was a warning ticket?

9 A. Yes, sir.

10 MR. LUCAS: Beg the Court's indulgence just a  
11 moment, Your Honor.

12 (Counsel conferring.)

13 MR. LUCAS: Your Honor, no further questions at  
14 this time.

15 THE COURT: Anything on redirect?

16 MS. HUCKER: Just very briefly, Your Honor.

17 REDIRECT EXAMINATION

18 BY MS. HUCKER:

19 Q. Ms. Thomason ---

20 A. Yes, ma'am.

21 Q. --- I just want to make one last thing clear.  
22 You did tell the officers that you had just  
23 delivered some drugs to Nancy Carswell or Elaine  
24 Driver?

25 A. Yes, ma'am.

1 Q. Okay. And Mr. Lucas pointed out that you are  
2 looking at 15 years to life on both of your charges?

3 A. Yes, ma'am.

4 Q. Okay. You were sworn in today when you came  
5 in, right?

6 A. Yes, ma'am.

7 Q. Okay. And what would happen, do you think, if  
8 you lied under oath about your testimony today?

9 A. I'm not sure, but that's -- I'm not going to  
10 lie because I know there's consequences for lying.

11 Q. Okay. Do you think you'd be more likely to get  
12 15 or more likely to get 5 if you were caught in a  
13 lie?

14 MR. LUCAS: Your Honor, I'm going to object to  
15 speculation.

16 THE COURT: Yeah, sustained.

17 MS. HUCKER: No further questions. Thank you,  
18 Ms. Thomason.

19 THE COURT: Okay. Thank you, ma'am. You can  
20 step down.

21 MR. LUCAS: And no recross, Judge.

22 (Witness excused.)

23 THE COURT: All right. You can call your next  
24 witness.

25 MS. HUCKER: State calls Detective Sean Proner.



1 (Witness approached.)

2 THE CLERK: Deputy, would you please raise your  
3 right hand.

4 THE WITNESS: (Complying.)

5 THE CLERK: Do you solemnly swear or affirm the  
6 testimony you give this Court is the truth, the  
7 whole truth, and nothing but the truth?

8 THE WITNESS: Yes, ma'am.

9 THE CLERK: Thank you. Please have a seat in  
10 the witness chair.

11 THE WITNESS: (Complying.)

12 THE CLERK: And if you would, please state your  
13 full name for the record and spell your last name.

14 THE WITNESS: My name is Sean Proner,  
15 P-r-o-n-e-r.

16 DETECTIVE SEAN PRONER,  
17 having been produced and first duly sworn as a  
18 witness on behalf of the State, testified as  
19 follows:

20 DIRECT EXAMINATION

21 BY MS. HUCKER:

22 Q. And, Detective Proner, by who are you employed?

23 A. I'm employed by the Anderson County Sheriff's  
24 Office.

25 Q. And what is your current position?

1 A. I'm a narcotics investigator.

2 Q. And was that your position in March of 2018?

3 A. Yes, ma'am, it was.

4 Q. What are some of your duties and  
5 responsibilities as a detective?

6 A. We receive information, whether it be from the  
7 public or through informants, conduct -- in addition  
8 to drugs -- drug, vice, gambling, prostitution  
9 investigations. Anything that -- that falls in the  
10 realm of vice.

11 Q. Okay. And do you conduct surveillance as part  
12 of your duties?

13 A. Yes, ma'am. That's a big part of our job.

14 Q. Did you have the opportunity to conduct any  
15 surveillance on March 12, 2018?

16 A. Yes, ma'am, I did.

17 Q. Do you remember what address you were  
18 surveying?

19 A. [REDACTED] Fairlane Drive in Anderson, South Carolina.

20 Q. And how did you come to survey that address?

21 A. I was request -- my assistance was requested by  
22 Detective Acevedo in an investigation he was  
23 working.

24 Q. Okay. And what, if anything, did you observe  
25 during your surveillance?

1 A. I observed numerous people in vehicles coming  
2 and going from [REDACTED] Fairlane Drive in Anderson.

3 Q. Okay. I'm going to show you what's been marked  
4 as State's Exhibits 4 through 6. Could you take a  
5 look at those for me, please?

6 A. Yes, ma'am.

7 Q. Do you recognize those?

8 A. Yes, ma'am, I do.

9 Q. What are they?

10 A. They are photographs of a female and a male in  
11 the front yard of [REDACTED] Fairlane Drive that I took  
12 from a concealed wooded location across the street.

13 Q. And you did take those photos yourself?

14 A. Yes, ma'am, I did.

15 Q. Do they appear to accurately represent the  
16 scene as you remember it?

17 A. Yes, ma'am, they do.

18 Q. Do any alterations appear to have been made?  
19 Any deletions?

20 A. No, ma'am.

21 MS. HUCKER: Okay. Your Honor, I would move  
22 State's Exhibits 4 through 6 into evidence and have  
23 them published to the jury.

24 THE COURT: Any objection?

25 MR. LUCAS: That's without objection, Judge.

1 THE COURT: Okay. Without objection.

2 (State's Exhibit Nos. 4 through 6 were received  
3 into evidence.)

4 BY MS. HUCKER:

5 Q. All right. Detective Proner, I'm going to show  
6 you State's Exhibit No. 4. Is that on your screen?

7 A. Yes, ma'am, it is.

8 Q. Okay. Can you tell the jury what we're seeing  
9 here?

10 A. So the foreground here is the -- the leaves and  
11 the -- the wooded location that I was concealed in,  
12 but if you can look past it, there's a female.  
13 She's manipulating something in the trunk of a black  
14 BMW. There's another male. He came out of this  
15 Burgundy Chevy S-10 Blazer. And they're in the  
16 driveway of [REDACTED] Fairlane Drive.

17 Q. Okay. And I'm showing you now State's  
18 Exhibit 5. Can you tell the jury what they're  
19 seeing in this photo?

20 A. Yes, ma'am. That is the female that was  
21 standing at the trunk of the BMW. She's carrying a  
22 black and pink bag that she retrieved from the  
23 trunk. She's walking towards the house.

24 Q. Okay. And State's Exhibit 6?

25 A. The male and the female, they're walking from

1 the rear of the BMW back to the house.

2 Q. Okay. And I know it's kind of hard to tell in  
3 this photo, but what is the male holding?

4 A. Appears to be a cup.

5 Q. Okay. So you were taking these photos and  
6 collecting information during your surveillance  
7 operation. What, if anything, did you do with that  
8 information?

9 A. Any information that I obtained, I would relay  
10 over our encrypted radio channel to the other  
11 members of the special investigations division who  
12 were assisting in this investigation. That could be  
13 the case agent, Detective Acevedo, or other members  
14 whose were in surveillance vehicles doing mobile  
15 surveillance operations.

16 Q. Okay. So y'all had quite the set up?

17 A. Yes, ma'am. There were numerous moving parts  
18 involved.

19 Q. Okay. And how long would you say that you  
20 surveyed [REDACTED] Fairlane Drive?

21 A. I was there several hours. I started when it  
22 was daylight. Still everything was fairly visible.  
23 Started on the ground in a wooded area.

24 By the time I wrapped up surveillance, I had  
25 moved because it got dark and I couldn't see very

1 well. I had actually climbed up a pecan tree there  
2 in the wooded lot where I was doing my surveillance  
3 from so I could get a better vantage point.

4 Q. So you were able to see the home?

5 A. Yes, ma'am.

6 Q. Very well?

7 A. Yes, ma'am.

8 Q. And what else, if anything, did you observe  
9 during your surveillance?

10 A. Numerous cars coming and going. Numerous  
11 people coming and going. And I maintained my  
12 surveillance point until other members of the  
13 investigation arrived to secure the home.

14 Q. And you continued to relay that information to  
15 your team?

16 A. Yes, ma'am. All -- all -- all coming and going  
17 that took place before the house was secured was  
18 relayed to other members of the team.

19 Q. Okay. And what, if anything, did you do when  
20 you finished with your surveillance?

21 A. After I finished with surveillance from that  
22 location, I went to the house and waited for the  
23 search warrant to arrive and then assisted in the  
24 search of the property.

25 Q. Okay. Did you collect any items of evidence in

1 relation to that search warrant?

2 A. I did not collect any evidence related to this  
3 defendant.

4 Q. Okay. And other than coming here to today to  
5 testify, did you have any further involvement in  
6 this case?

7 A. No, ma'am.

8 Q. Detective Proner, I just want to make --  
9 clarify one point. This -- the BMW that is in this  
10 photo in State's Exhibit 4 ---

11 A. Yes, ma'am.

12 Q. --- let's talk about both of these cars for a  
13 second. This Chevy Blazer ---

14 A. Yes, ma'am.

15 Q. --- was this the first time that you had seen  
16 it today?

17 A. No, ma'am.

18 Q. Okay. When had you seen it before?

19 A. So it had been parked at the house earlier when  
20 I began my surveillance.

21 Q. Okay.

22 A. During the surveillance, it left the residence.  
23 I relayed that it had left and which direction it  
24 was travelling, which street it was on to the mobile  
25 surveillance units who picked it up following it in

1 surveillance vehicles. They followed it to a couple  
2 of different locations where it ultimately met with  
3 this black BMW.

4 And then they surveilled it, my understanding  
5 just from listening to the radio, to another  
6 location and then back to -- back to the residence  
7 at [REDACTED] Fairlane.

8 Q. Okay.

9 A. So it had -- it had been there when I started  
10 my surveillance and left and came back.

11 Q. So you saw the Chevy Blazer come back to [REDACTED]  
12 Fairlane?

13 A. Yes, ma'am. And it was travelling in tandem  
14 with this black BMW when it returned.

15 Q. Okay. And do you remember which car pulled in  
16 first?

17 A. I believe the Blazer pulled in first.

18 MS. HUCKER: Thank you. I have no further  
19 questions. Please answer any Mr. Lucas may have.

20 THE WITNESS: Yes, ma'am.

21 CROSS-EXAMINATION

22 BY MR. LUCAS:

23 Q. Detective Proner, thanks for being here today.

24 A. Yes, sir.

25 Q. Based on your testimony, it sounds like you



1 conducted some very extensive surveillance?

2 A. I was there for several hours on my belly in  
3 the woods. Yes, sir. I -- I would call extensive,  
4 I was there for a couple of hours.

5 Q. Yes. So you were there beginning, what, about  
6 5:30?

7 A. Somewhere around five o'clock, yes, sir, I  
8 would estimate. I didn't have the time when I went  
9 in.

10 Q. And you maintained surveillance until the  
11 search warrant arrived about 10:30?

12 A. I didn't believe it was that late. It was  
13 whenever they -- whenever the other members of the  
14 special investigations division secured the house.  
15 It was dark when I came out of the woods.

16 Q. At about what time do you think that was if you  
17 know?

18 A. I'd be speculating.

19 Q. But you were there for a number of hours?

20 A. Yes, sir.

21 Q. Laying on your stomach in the woods. And you  
22 had your camera with you?

23 A. Yes, sir.

24 Q. And you took a number of photographs?

25 A. Yes, sir, I did.

1 Q. And during that time, not once did you see  
2 Nancy Carswell?

3 A. Not that I'm aware of. No, sir.

4 Q. Not once did you see Nancy Carswell come out of  
5 the house?

6 A. No, sir. Not that I can recall.

7 Q. And you didn't see Nancy Carswell have any  
8 contact with Tara Thomason?

9 A. None that took place in the yard.

10 Q. And there are no photographs of Nancy Carswell  
11 from your surveillance outside the home?

12 A. Not that I'm aware of.

13 MR. LUCAS: I don't have anything further.  
14 Thank you.

15 THE COURT: Okay. Anything on redirect?

16 MS. HUCKER: Nothing, Judge.

17 THE COURT: Can he be excused?

18 MS. HUCKER: He may be released from my  
19 subpoena.

20 MR. LUCAS: Well, that's without objection,  
21 Judge.

22 THE COURT: Okay.

23 (Witness excused.)

24 MR. LUCAS: Could we approach briefly?

25 (Sidebar discussion.)

1 THE COURT: Yes, ma'am.

2 MS. HUCKER: State calls Stephen Earwood.

3 (Witness approached.)

4 THE CLERK: Please raise your hand as best you  
5 can.

6 THE WITNESS: (Complying.)

7 THE CLERK: Do you solemnly swear or affirm the  
8 testimony you'll give this Court is the truth, the  
9 whole truth, and nothing but the truth?

10 THE WITNESS: I do.

11 THE CLERK: Thank you. If you would, try to  
12 make your way around to the witness chair.

13 THE WITNESS: (Complying.)

14 THE CLERK: If you would, please state your  
15 full name for the record and spell your last name.

16 THE WITNESS: Stephen Mason Earwood. Last name  
17 E-a-r-w-o-o-d.

18 DEPUTY STEPHEN EARWOOD,  
19 having been produced and first duly sworn as a  
20 witness on behalf of the State, then testified as  
21 follows:

22 DIRECT EXAMINATION

23 BY MS. HUCKER:

24 Q. Detective Earwood, by whom are you employed?

25 A. The Anderson County Sheriff's Office.

1 Q. And what is your current position there?

2 A. I am a deputy with the street narcotics unit  
3 inside the special investigations division.

4 Q. Okay. And how long have you been in that unit?

5 A. Two years.

6 Q. Okay. And was that your position in March of  
7 2018?

8 A. Yes, ma'am, it was.

9 Q. What are some of your duties and  
10 responsibilities as a member of the street narcotics  
11 unit?

12 A. We handle proactive patrol in high-crime areas.  
13 We handle gangs, prostitution, gambling, assisting  
14 narcotics investigations.

15 Q. Okay. And did you have the opportunity to  
16 assist in an investigation for the defendant, Nancy  
17 Elaine Carswell?

18 A. Yes, ma'am, I did.

19 Q. How did you come to be involved in that  
20 investigation?

21 A. I was contacted by my supervisor at the time,  
22 Sergeant Foster, and said that Detective Acevedo  
23 needed ---

24 MR. LUCAS: Your Honor, I'm going to object to  
25 that. He can't testify to what Sergeant Foster had

1 said.

2 THE COURT: Yeah. Please don't testify to what  
3 somebody told you.

4 THE WITNESS: Okay.

5 THE COURT: Okay. Sustained.

6 THE WITNESS: I was advised that to ---

7 MR. LUCAS: Again, Your Honor. He can't say  
8 what he was advised. That's the same as saying ---

9 THE COURT: Ask the question -- ask the  
10 question again so he can answer it and avoid that.

11 BY MS. HUCKER:

12 Q. So you were involved in an investigation for  
13 Nancy Elaine Carswell?

14 A. Yes, ma'am, I was.

15 Q. What did you do as part of that investigation?

16 A. I was tasked with surveillance and assisting in  
17 the investigation that night.

18 Q. Okay. What type of surveillance?

19 A. I was surveillance and I was in a marked  
20 vehicle across the road on East Shockley Ferry just  
21 standing by for any possible targets leaving or  
22 anything like that.

23 Q. Targets leaving from where? Do you know?

24 A. [REDACTED] Fairlane Drive.

25 Q. Okay. And when you say "targets leaving," what

1 does that mean? Can you explain it for the jury?

2 A. Targets, just anybody that's leaving that may  
3 be part of an investigation that may need contact  
4 with.

5 Q. By law enforcement?

6 A. Yes, ma'am.

7 Q. Okay. And did you make contact with anyone as  
8 part of your investigation?

9 A. I did. I saw a Tara Thomason on Highway 28.

10 Q. Okay. And what was Ms. Thomason driving?

11 A. She was driving a black BMW, X3, X4 model. She  
12 was the occupant of the vehicle.

13 Q. Okay. And did you search Tara Thomason's car?

14 A. Yes, ma'am, I did.

15 Q. What, if anything, did you find?

16 A. During the traffic stop, I got her out of the  
17 vehicle and asked her if she had anything illegal on  
18 her or anything I needed to be aware of.

19 And she stated, "Yes. I have a meth pipe in  
20 the trunk and a large amount of money."

21 I said, "A large amount of money? How much?"

22 She said, "Well, \$39,000 I think."

23 And I said, "Okay. Is there anything on you I  
24 need to be aware of?"

25 And she said, "Yes. I've got more money in my

1 bra," and she pulled out another large amount of  
2 U.S. currency from her bra.

3 Q. Okay. I'm going to show you what's been marked  
4 as State's Exhibit 7 and 8. Can you take a look at  
5 those for me, please?

6 A. Yes, ma'am.

7 Q. Do you recognize those?

8 A. Yes, ma'am, I do.

9 Q. What are they?

10 A. That was an ammo can that was located in  
11 Ms. Thomason's vehicle with a large amount of U.S.  
12 currency inside of it.

13 Q. What are they specifically?

14 A. Pictures from the traffic stop that night.

15 Q. Okay. And were you on scene when these photos  
16 were taken?

17 A. Yes, ma'am, I was.

18 Q. Do they appear to accurately represent the  
19 scene as you remember it?

20 A. Yes.

21 Q. Do -- does anything appear to have been  
22 changed? Any deletions been made?

23 A. No, ma'am.

24 MS. HUCKER: Your Honor, at this time the State  
25 would seek to move State's Exhibits 7 and 8 into

1 evidence and have them published to the jury.

2 THE COURT: Any objection?

3 MR. LUCAS: That's without objection, Your  
4 Honor.

5 THE COURT: Without objection.

6 (State's Exhibit Nos. 7 and 8 were received  
7 into evidence.)

8 BY MS. HUCKER:

9 Q. Detective Earwood, I'm showing you what's been  
10 marked as State's Exhibit 7. Can you see that okay?

11 A. Yes, ma'am, I can.

12 Q. Okay. And can you tell the jury what they're  
13 seeing here?

14 A. That would be Ms. Thomason's wallet.

15 Q. Okay. And it appears to be in a bag of some  
16 sort?

17 A. Yes, ma'am.

18 Q. Do you -- do you know what that bag is?

19 A. I don't recollect exactly what that bag is.  
20 But it does from my memory, it's like a shopping bag  
21 of some sort.

22 Q. Okay. And was that found in Ms. Thomason's  
23 car?

24 A. Yes, ma'am, it was.

25 Q. Okay. I'm showing you State's Exhibit No. 8.



1 Can you tell the jury what they're seeing here?

2 A. Yes, ma'am. You're looking at an ammo can that  
3 is inside of another blue bag that was located in  
4 the trunk of the vehicle. Inside of the ammo can  
5 was a large amount of U.S. currency.

6 Q. Okay. And what exactly is an ammo can?

7 A. Ammo can is something that, you know, in  
8 military terms they put ammo to keep it dry, keep it  
9 within perimeters for firing. Anything that's --  
10 that's watertight.

11 Q. Thank you. Did you have any other involvement  
12 in this case?

13 A. Yes, ma'am, I did.

14 Q. Okay. What else did you do?

15 A. After the scene was -- from the traffic stop,  
16 turned over to investigations to Lieutenant Scogins,  
17 and I went to [REDACTED] Fairlane Drive to secure the  
18 residence.

19 Q. Okay. And what do you mean by "secure the  
20 residence"?

21 A. Securing the residence, going inside the  
22 residence. And any -- any kind of persons inside  
23 gets detained where they're at. So when I went into  
24 to the residence, I went through the -- there's a  
25 carport and then there's a door that kind of goes to

1 the right.

2 Once I went in, I went into the kitchen area.  
3 It kind of goes through into a living room area. It  
4 kind of goes back to the right, and there's like  
5 french double doors and there's a bedroom.

6 Once inside the bedroom, I located two males  
7 and two females inside the bedroom. At which point  
8 I put them all on the ground and detained them by  
9 placing both hands behind their back, double locking  
10 them to the rear.

11 Q. Okay. And was one of the females in the room  
12 Nancy Elaine Carswell?

13 A. Yes, ma'am, she was.

14 Q. Okay. I'm showing you what's been marked as  
15 State's Exhibit 2.

16 A. Yes, ma'am.

17 Q. Do you recognize this?

18 A. Yes, ma'am, I do.

19 Q. What is it?

20 A. A picture of Ms. Carswell.

21 MS. HUCKER: May it please the Court? I would  
22 move State's Exhibit 2 into evidence and have it  
23 published to the jury.

24 THE COURT: Without objection?

25 MR. LUCAS: That's right, Judge.

1 THE COURT: All right. Without objection.

2 (State's Exhibit No. 2 was received into  
3 evidence.)

4 BY MS. HUCKER:

5 Q. Can you tell the jury what they're seeing here?

6 A. Yes, ma'am. That's a picture of Ms. Carswell.

7 Q. Thank you. And how did you detain her?

8 A. When I detained her, when I went into the room,  
9 like I said, there was two females and two males.  
10 They were all placed on the ground and they were  
11 detained by placing both hands behind their back,  
12 handcuffing them to the rear and double locking them  
13 for safety measures.

14 Q. Okay. And what, if anything, did you do after  
15 you detained Ms. Carswell?

16 A. Once Ms. Carswell was detained, I was advised  
17 to go outside of the residence to make sure that no  
18 one was in any vehicles or anything like that to  
19 secure the outside.

20 Q. Okay. And did you do that?

21 A. Yes, ma'am.

22 Q. Okay. And other than coming here today to  
23 testify, did you have any further involvement in  
24 this case?

25 A. No, ma'am.

1 MS. HUCKER: Thank you. I have no further  
2 questions. Please answer any Mr. Lucas may have for  
3 you.

4 THE WITNESS: Yes, ma'am.

5 CROSS-EXAMINATION

6 BY MR. OPPERMAN:

7 Q. Deputy, you were part of a team of officers  
8 that made initial entry into the home in question?

9 A. Yes, sir. That's correct.

10 Q. And you went in about 8:55 p.m. in the  
11 neighborhood?

12 A. Yes, sir. That sounds about right. I'm not  
13 exactly sure of the exact time.

14 Q. Okay. And you were tasked with securing the  
15 residence; is that right?

16 A. Yes, sir.

17 Q. And detaining all the people inside?

18 A. Yes, sir.

19 Q. Okay. You're -- you found four people inside  
20 of a bedroom; is that right?

21 A. Yes, sir.

22 Q. And that bedroom was a bedroom you later  
23 labelled bedroom no. 1 or the report labelled --  
24 later labelled bedroom no. 1; is that right?

25 A. Yes, sir. That's correct.

1 Q. Okay. And that's the same bedroom where the  
2 drugs were later found, right?

3 A. I -- I can't -- I can't answer that. I wasn't  
4 there for that.

5 Q. Okay. Now, you found two males and two females  
6 in that bedroom, right?

7 A. Yes, sir.

8 Q. And that -- that included Roy Walters, right?

9 A. I -- I do not know their names. I'm sorry.

10 Q. You don't remember their names?

11 A. No, sir.

12 Q. Okay. Was anybody in there sitting on the bed?

13 A. I don't remember to be honest with you. It was  
14 March, a year and a half ago. I can't exactly  
15 remember. I'm sorry.

16 Q. I hear you. Now, you also made the traffic  
17 stop of Tara Thomason earlier that evening, right?

18 A. Yes, sir. That's correct.

19 Q. Okay. And you stopped her for an improper  
20 turn; is that right?

21 A. Yes, sir. That's correct.

22 Q. And isn't it true that you were instructed to  
23 stop her by another member of the task force you  
24 were working with?

25 A. I was instructed to make contact if possible.

1 Q. And the person who instructed you to do this  
2 was Detective Acevedo, correct?

3 A. Yes.

4 Q. Okay. And when you had that stop with  
5 Ms. Thomason, she consented to the search of her  
6 car?

7 A. She advised that she had a meth pipe in her  
8 trunk of the vehicle, along with a large amount of  
9 U.S. currency inside the vehicle, which she did give  
10 consent. She said, you know, "By all means, you can  
11 look."

12 Q. So she consented?

13 A. Yes.

14 Q. All right. She also had a meth pipe?

15 A. Yes, sir.

16 Q. And a small amount of methamphetamine?

17 A. I don't recall.

18 Q. Okay. You usually arrest people when they got  
19 a meth pipe or money that they admit is drug money  
20 or methamphetamine, don't you?

21 A. I don't arrest people for meth pipes and nor do  
22 I arrest people if they strictly only have a meth  
23 pipe. They normally do not get arrested for that.  
24 If they strictly only have a large amount of U.S.  
25 currency, they don't get arrested for that. If they

1 do have methamphetamines, they do get arrested,  
2 correct.

3 Q. But it wasn't just a large amount of U.S.  
4 currency, was it?

5 A. Like I said, I don't exactly remember. I  
6 remember the -- the meth pipe specifically.

7 Q. Did you think that U.S. currency she had in her  
8 car was innocently procured?

9 A. Can you repeat the question? I'm sorry.

10 Q. How did you reckon she got that \$39,000?

11 A. I'm assuming through illegal narcotic sells.

12 Q. And why are you assuming that?

13 A. Because most people that have that large amount  
14 of currency riding around in the trunk of the  
15 vehicle at night, I wouldn't -- in my business, it's  
16 to support the narcotics. It's normally for the  
17 purchase of ---

18 Q. And she admitted that to law enforcement that  
19 that was the purpose of that money, didn't she?

20 A. I was not there for the admittance of that.

21 Q. Okay. But you didn't arrest Ms. Thomason?

22 A. No, I did not. Not at that time.

23 Q. Okay. And she was let go with a warning  
24 ticket?

25 A. I don't -- like I said, the investigation was

1       turned over to Lieutenant Scogins and I left the  
2       scene.

3       Q.     Okay.  And "yes" or "no," Deputy, at any time  
4       did Ms. Thomason say anything to you about a red  
5       medicine bag or medical bag?

6       A.     I don't recall.  No, sir.

7             MR. OPPERMAN:  Thank you.  Nothing further.

8             THE COURT:  Anything else?

9             MS. HUCKER:  Nothing further, Judge.

10            THE COURT:  All right.  Thank you, sir.  You  
11       can be excused.  Be careful.

12            (Witness excused.)

13            MS. HUCKER:  State calls Sergeant Rusty  
14       Scogins.

15            (Witness approached.)

16            THE CLERK:  Would you step forward and raise  
17       your right hand.

18            THE WITNESS:  (Complying.)

19            THE CLERK:  Do you solemnly swear or affirm the  
20       testimony you give this Court is the truth, the  
21       whole truth, and nothing but the truth?

22            THE WITNESS:  Yes, ma'am, I do.

23            THE CLERK:  Thank you.  Please have a seat in  
24       the witness chair.

25            THE WITNESS:  (Complying.)



1           THE CLERK: And if you would, please state your  
2 full name for the record and spell your last name.

3           THE WITNESS: My name is Roger K. Scogins,  
4 S-c-o-g-i-n-s, but I go by Rusty.

5                       LIEUTENANT ROGER SCOGINS,  
6 having been produced and first duly sworn as a  
7 witness on behalf of the State, testified as  
8 follows:

9                               DIRECT EXAMINATION

10          BY MS. HUCKER:

11          Q.     Sergeant Scogins, by who are you employed?

12          A.     I'm employed by Anderson County Sheriff's  
13 Office.

14          Q.     And what's your current position?

15          A.     I'm the lieutenant for special investigations  
16 and narcotics.

17          Q.     Lieutenant, I apologize. And were you a  
18 lieutenant in March of 2018?

19          A.     I was a staff sergeant at that point, still  
20 over the same group.

21          Q.     Okay. And about how long have you been in law  
22 enforcement?

23          A.     I've been in law enforcement about 18 years.

24          Q.     Eighteen?

25          A.     Yes, ma'am.

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1 Q. And as a staff sergeant, what were some of your  
2 duties and responsibilities in March of 2018?

3 A. At that point in time as well as now, but I was  
4 a staff sergeant for three units. We have a  
5 narcotics investigations unit, we have a street  
6 narcotics unit, and then we have a fugitive  
7 investigations unit.

8 The narcotics investigators are my plain  
9 clothes guys that are investigating long-term cases.

10 Then I have a street narcotics team that is  
11 uniformed people that are working lower-level drug  
12 investigations.

13 And then a fugitive team that's looking for  
14 people that are wanted and trying to actively run  
15 and hide from arrest. So I was over that group and  
16 all -- all three teams.

17 Q. Okay. And did you have an opportunity to  
18 become involved in an investigation for the  
19 defendant, Nancy Elaine Carswell?

20 A. Yes, ma'am.

21 Q. And how did you come to be involved in that  
22 investigation?

23 A. On the date in question, March the 12th I  
24 believe it was, we had received a tip about some  
25 activity at [REDACTED] Fairlane Lane or Road in Anderson

1           and just kind of started working that point from  
2           direction from the Detective Acevedo.

3           Q.     Okay. And did you work any surveillance? What  
4           did you do as part of that investigation?

5           A.     When we first started the investigation, I was  
6           just kind of in the area generalized for supervision  
7           purposes because we had multiple teams. We had some  
8           surveillance set up at the place and then we had  
9           some -- some cars on the outside which would've been  
10          street narcotics unit to conduct traffic stops,  
11          things of that nature. So I was just kind of  
12          supervising the operation and liaison between  
13          Detective Acevedo and those groups.

14          Q.     Okay. And did you have the opportunity as part  
15          of this investigation to go to the scene of a  
16          traffic stop?

17          A.     Yes, ma'am, I did.

18          Q.     Why did you go to that stop?

19          A.     I received a phone call from Detective Acevedo  
20          at that point in time that said that a lady that was  
21          at ---

22                 MR. LUCAS: Your Honor, he can't say what  
23          Detective Acevedo was telling him.

24                 THE COURT: Yeah, just rephrase that question  
25          if you will.

1 MS. HUCKER: Yes, Judge.

2 BY MS. HUCKER:

3 Q. You were communicating with your team. Did you  
4 receive any information from Detective Acevedo  
5 regarding a traffic stop?

6 A. I did.

7 Q. Okay. And what did you do as a result of the  
8 information you received?

9 A. So I went to the traffic stop based on the fact  
10 that approximately \$40,000 in cash or so was located  
11 during the traffic stop by the deputy that had  
12 conducted the traffic stop.

13 Q. And do know who or did you know at the time who  
14 you were -- or who was the subject of that traffic  
15 stop?

16 A. Yes, ma'am.

17 Q. Okay. Who was it?

18 A. It was Tara Thomason.

19 Q. Okay. And did you go to that scene?

20 A. I did.

21 Q. Did you speak with Tara Thomason?

22 A. Yes, ma'am, I did.

23 Q. Okay. What, if anything, did you do with the  
24 information that she gave to you?

25 A. So when I arrived on scene there, I spoke with

1 Tara Thomason. Deputy Earwood had conducted the  
2 traffic stop. She was being cooperative at that  
3 point and wanted to speak to someone else with  
4 narcotics related. So I sat her down in my truck  
5 with somebody else and we began talking to her. And  
6 she advised me ---

7 MR. LUCAS: Your Honor, he cannot testify to  
8 what Ms. Thomason is saying.

9 THE COURT: Yeah, yeah, sustained. Rephrase  
10 that question.

11 BY MS. HUCKER:

12 Q. Without telling us what Ms. Thomason told you,  
13 what did you do with the information that she gave  
14 you?

15 A. So once I received the information that she had  
16 given me, I directed a team to secure the residence  
17 at [REDACTED] Fairlane for evidence preservation, as well  
18 as directed Acevedo to con -- to obtain a search  
19 warrant for the residence there.

20 Q. Okay. Do you remember what kind of car  
21 Ms. Thomason was driving?

22 A. She was driving a small BMW, two-door.

23 Q. What color was it? Do you remember?

24 A. It was -- it was grayish. Gray or blue or  
25 darker color.

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1 Q. Okay. Lieutenant, I'm going to show you what's  
2 been marked as State's Exhibit 18. Can you tell us  
3 what that is?

4 A. That's the vehicle that Tara Thomason was  
5 driving that night.

6 Q. Okay. And do you recognize that photo?

7 A. Yes, ma'am. From that night, yes, ma'am.

8 Q. Were you on scene when this photo was taken?

9 A. Yes, ma'am.

10 Q. Okay. And does it appear to -- does the scene  
11 appear, to the best of your recollection, as you  
12 remember it?

13 A. Yes, ma'am.

14 Q. Does it appear to be altered in any way?

15 A. No, ma'am.

16 MS. HUCKER: Your Honor, at this time I would  
17 move State's Exhibit 18 in and have it published to  
18 the jury.

19 MR. LUCAS: Without objection, Judge.

20 THE COURT: Without objection.

21 (State's Exhibit No. 18 was received into  
22 evidence.)

23 BY MS. HUCKER:

24 Q. Lieutenant, I'm showing you State's Exhibit 18.  
25 Can you see that?

1 A. Yes, ma'am.

2 Q. Okay. And can you tell the jury what we're  
3 looking at here?

4 A. So this is a picture of the vehicle that was  
5 being driven by Tara Thomason that night, the  
6 driver's compartment obviously, with the door open.

7 Q. Okay. And was this picture taken at the  
8 traffic stop?

9 A. Yes, ma'am, it was.

10 Q. Okay. I'm showing you State's Exhibit No. 4.  
11 Does that appear to be the same car photographed in  
12 this picture?

13 A. Yes, ma'am.

14 Q. So after you gave the instructions to your  
15 narcotics team to secure the residence and obtain a  
16 search warrant, you said you sent a team to preserve  
17 evidence. And was that at [REDACTED] Fairlane Drive?

18 A. Yes, ma'am, it was.

19 Q. Okay. What does "evidence preservation" mean?

20 A. So any time we receive some sort of information  
21 about a large amount of drugs or something  
22 potentially being in a house, in this instance, I  
23 sent a team ahead of obtaining the search warrant to  
24 secure the residence to make sure that none of the  
25 drugs or any of the evidence that we were looking to

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1 to utilize for arrest were not destroyed or gotten  
2 rid of or sold or used at that point in time. So  
3 that's -- that's the reason for the evidence  
4 preservation.

5 Q. Okay. And when you say "evidence preservation"  
6 and "secure the residence," do you mean for them to  
7 search the residence?

8 A. No, ma'am.

9 Q. Okay. At what point would they search the  
10 residence?

11 A. Once the search warrant was signed by a judge  
12 and arrived at the location, at that point the  
13 search would begin.

14 Q. Okay. And did a search warrant arrive at   
15 Fairlane Drive?

16 A. Yes, ma'am.

17 Q. Were you there when it arrived?

18 A. I was.

19 Q. And did you assist in executing that search  
20 warrant?

21 A. I was there during the execution of the search  
22 warrant the whole entire time. Yes, ma'am.

23 Q. Okay. Did you collect any items of evidence?

24 A. No, ma'am.

25 Q. Okay. And other than coming here today to



1       testify, did you have any further involvement in  
2       this case?

3       A.     No, ma'am.

4             MS. HUCKER:  Thank you so much.  Please answer  
5       any questions Mr. Lucas may have for you.

6             THE WITNESS:  Yes, ma'am.

7                             CROSS-EXAMINATION

8       BY MR. LUCAS:

9       Q.     Lieutenant Scogins, thanks for being here  
10       today.  It's your testimony that you responded out  
11       to this traffic stop of Tara Thomason on the evening  
12       of March 12th?

13       A.     That's correct.

14       Q.     And it is your understanding that she had in  
15       her possession a meth pipe?

16       A.     That's correct.

17       Q.     A small amount of methamphetamine?

18       A.     Yes, sir.

19       Q.     And folks are usually arrested for having  
20       methamphetamine in their possession, correct?

21       A.     That's correct.

22       Q.     And she also had \$39,000 in her car, and she  
23       admitted it was drug money?

24       A.     Show had approximately \$40,000 is what she had  
25       advised me that night.  I don't exactly how much the

1 count was.

2 Q. And that was drug money to your understanding?

3 A. That's correct.

4 Q. And folks would usually be arrested for that  
5 too, wouldn't they?

6 A. Not necessarily.

7 Q. So you're telling me that if someone has in  
8 their possession a really large amount of money and  
9 they tell police that they were making  
10 methamphetamine deliveries, that they'd -- they  
11 would routinely not be arrested for that?

12 A. That's accurate.

13 Q. But that is a crime, is it not?

14 A. Well, sir, to be honest with you, the fact of  
15 them having drug -- a large amount of drug money is  
16 not an arrestable offense. It's not something we  
17 would generally arrest someone for.

18 Q. But in any case, she was not placed under  
19 arrest on that night?

20 A. No, sir. Not to my knowledge.

21 Q. She was just given a traffic ticket?

22 A. Sir, I wasn't involved in the enforcement part  
23 of that. I just arrived and spoke with her and then  
24 left.

25 Q. Sure. But she wasn't arrested?

1 A. I guess not if you say not.

2 Q. Well, to your knowledge, she was not ---

3 A. To my knowledge, she was not.

4 Q. And you testified a little bit about the  
5 sequence of law enforcement getting a search warrant  
6 in this case. And it's your testimony that the  
7 house was secured without getting a warrant?

8 A. That's correct.

9 Q. And law enforcement went to the house, what,  
10 about 8:55? Would that be correct?

11 A. I'm not exactly sure of the time, but it was  
12 prior to the search warrant arriving. Yes, sir.

13 Q. And the search warrant did not arrive until  
14 10:30; is that correct?

15 A. Again, sir, I'm not sure of the time line.

16 MR. LUCAS: Permission to approach the witness,  
17 Your Honor?

18 THE COURT: Yes, sir.

19 BY MR. LUCAS:

20 Q. Lieutenant Scogins, are you familiar with that  
21 document?

22 A. Yes, sir, I am.

23 Q. And can you tell the jury what -- what it is?

24 A. This would be a supplemental report that was  
25 typed by me at the conclusion of the case.

1 Q. And it is about events on the night of  
2 March 12th that you've been testifying about?

3 A. Yes, sir.

4 Q. And the report is dated March 21st of 2018?

5 A. That's correct.

6 Q. And that date would indicate that that is the  
7 date that you prepared it on?

8 A. That's correct.

9 Q. Now, in this report, you recount a conversation  
10 with Tara Thomason?

11 A. Yes, sir.

12 Q. And you would agree that it is accurate that  
13 you didn't put anything in your report about Tara  
14 Thomason telling you about seeing a meth stash  
15 inside of [REDACTED] Fairlane Drive? That's not in there?

16 A. No, sir.

17 Q. And you would agree with me that there's also  
18 nothing in your report about Tara Thomason telling  
19 you anything about seeing a red med -- medicine bag  
20 inside the home?

21 A. Nothing here about that, sir.

22 Q. Not in there. And you spoke with her and you  
23 put in your report -- you recorded your conversation  
24 with her, correct?

25 A. I didn't put that I recorded the conversation.

1 No, sir.

2 Q. Well, you put in your report statements that  
3 she made to you, correct?

4 A. What me and her spoke about is in my report.

5 MR. LUCAS: And I don't have anything further.

6 Thank you.

7 THE WITNESS: Yes, sir.

8 THE COURT: Any redirect?

9 MS. HUCKER: None, Your Honor.

10 THE COURT: Okay. You can be released from any  
11 subpoena.

12 THE WITNESS: Okay. Thank you, sir.

13 (Witness excused.)

14 THE COURT: Tell you what, they've been sitting  
15 for an hour and a half. I'm going to give them ten  
16 minutes. Take ten minutes. And if you need to  
17 smoke, now is a good time to do it because the next  
18 break will be at 1:00. But don't discuss this case.  
19 Y'all take a break and stretch and move around a  
20 little bit.

21 (At 12:06 p.m., jury left the courtroom.)

22 From 12:06 to 12:35 p.m., recess.)

23 THE COURT: All right. You can bring them in.

24 THE BAILIFF: (Complying.)

25 (At 12:35 p.m., jury entered the courtroom.)

1           THE COURT: All right. Ladies and gentlemen,  
2 what we're going to do just so you know, we'll go  
3 for another half hour and we're going to take a  
4 lunch break until 2:30. We've got some other things  
5 we got to do that'll save you guys a little time.  
6 So sorry for the extended delay. We had a problem  
7 back here that had nothing to do with this case.

8           All right. You can call your next witness.

9           MS. HUCKER: State calls Sergeant Hendrix.

10          (Witness approached.)

11          THE CLERK: Please step forward and raise your  
12 right hand.

13          THE WITNESS: (Complying.)

14          THE CLERK: Do you solemnly swear or affirm the  
15 testimony you'll give this Court is the truth, the  
16 whole truth, and nothing but the truth?

17          THE WITNESS: I do.

18          THE CLERK: Thank you. Please have a seat.

19          THE WITNESS: (Complying.)

20          THE CLERK: And if you would, please state your  
21 full name for the record and spell your last name.

22          THE WITNESS: Sure. It's Alan Hendrix,  
23 H-e-n-d-r-i-x.

24                    SERGEANT ALAN HENDRIX,  
25 having been produced and first duly sworn as a

1 witness on behalf of the State, then testified as  
2 follows:

3 DIRECT EXAMINATION

4 BY MS. HUCKER:

5 Q. Sergeant Hendrix, by who are you employed?

6 A. Employed by the Anderson County Sheriff's  
7 Office.

8 Q. And what is your current position there?

9 A. I'm a sergeant within the narcotics  
10 investigative unit.

11 Q. And was that your position in March of 2018?

12 A. It was not. I was a detective within the  
13 narcotics investigative unit at the time.

14 Q. Okay. And about how long have you been in law  
15 enforcement altogether?

16 A. Altogether, 16 years.

17 Q. And did you have occasion to encounter Nancy  
18 Elaine Carswell in March of 2018?

19 A. I did.

20 Q. Under what circumstances?

21 A. It was under a search warrant.

22 Q. Do you remember what the address for the search  
23 warrant was?

24 A. I believe it was on Fairlane Drive. I can't  
25 remember the exact numerical.

1 Q. Okay. What did you do as part of executing the  
2 search warrant?

3 A. The -- for the initial part of the search  
4 warrant, I was tasked with entering the residence  
5 and securing the scene.

6 Q. Okay. And that was before the search warrant  
7 got there, correct?

8 A. That's correct.

9 Q. Okay. And what does it mean to enter the  
10 residence and secure the scene?

11 A. So when we enter a residence, we clear it to  
12 see if anybody is inside the residence, and we'll  
13 detain those individuals when we enter that  
14 residence.

15 Q. Okay. And did you detain any individuals in  
16 this case?

17 A. We did.

18 Q. Who did you detain?

19 A. There's -- the first bedroom that I  
20 encountered, the people in was -- which would be  
21 later identified as bedroom no. 1 according to my  
22 supplemental report -- would've been four  
23 individuals. I can't remember those exact names,  
24 but the one that I do remember is Elaine Carswell or  
25 Driver. We know her by both names.



1 Q. Nancy Elaine Carswell Driver?

2 A. Correct.

3 Q. Okay. And where was she located in that  
4 bedroom?

5 A. She was off to the right. I can't remember if  
6 it was a pool table or some kind of table in the  
7 middle of this room. She was kind of located off to  
8 the right of that bedroom there.

9 Q. Okay. And is that the same room that the drugs  
10 were later located in?

11 A. To my understanding, it was.

12 Q. Okay. And what did do when you found Nancy  
13 Carswell in that bedroom?

14 A. So she was detained in the bedroom, that's  
15 placed in handcuffs. And we stayed in that bedroom  
16 after being -- after we detained her.

17 Q. Okay. And what does "detain" mean in this  
18 instance?

19 A. So in this instance, it's just being  
20 handcuffed. And then we -- I remained with her in  
21 that bedroom area.

22 Q. Okay. Was -- why was she handcuffed?

23 A. Well, at -- any time that we execute a search  
24 warrant and we go into a house. And any individuals  
25 that we encounter, we will detain them for our

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1 safety and their safety.

2 Q. Okay. And was she left on the ground? Was she  
3 standing? Was she sitting?

4 A. No. She was actually sat down in a chair off  
5 to the right. It was -- it's almost like a formal  
6 chair. She was sitting in that chair off to the  
7 right there.

8 Q. Okay. And after she was detained, what did you  
9 do?

10 A. After she was initially detained, I stayed with  
11 them for a few minutes, then went to another  
12 bedroom, which would be listed as bedroom no. 3  
13 later on. And there were three individual in there.  
14 Myself and Detective Durham had detained those  
15 individuals, and then we -- I went back to that same  
16 bedroom and remained there until the search  
17 warranted arrived.

18 Q. Okay. And while you're waiting for the search  
19 warrant to arrive, did you ask the defendant any  
20 questions?

21 A. I did not.

22 Q. Did you promise her anything or threaten her in  
23 any way?

24 A. I did not.

25 Q. And what did you do when the search warrant

1 arrived on scene?

2 A. I moved those individuals into a living room  
3 area so I can have them all in the same room because  
4 I was instructing them as -- as scene security, so  
5 then I over watched those individuals. I was in the  
6 house while everybody else was tasked with other  
7 duties.

8 Q. Okay. And you said you moved them all to one  
9 central location. About how many people were in  
10 that room?

11 A. If I remember right, there was seven because  
12 there were four in that one bedroom and three in the  
13 other.

14 Q. Okay. And was the defendant in the room?

15 A. She was.

16 Q. And was everyone Mirandized?

17 A. That's correct.

18 Q. Who Mirandized them?

19 A. I did.

20 Q. And did you Mirandize them from a card or did  
21 you recite it from memory?

22 A. I have a card that I keep on me that I used.

23 Q. Do you have that card with you now?

24 A. I do.

25 Q. Could you read it to us?

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1 A. So to start off, it says Miranda warning.

2 Number one, you have the right to remain  
3 silent.

4 Number two, anything you say can and will be  
5 used against you in a court of law.

6 Number three, you have the right to talk to a  
7 lawyer and have him present with you while you're  
8 being questioned.

9 Number four, if you cannot afford to hire a  
10 lawyer, one will appointed to represent you before  
11 any questions if you wish.

12 Number five, you can decide at any time to  
13 exercise these rights and not answer any questions  
14 or make any statements.

15 Then at the bottom, it has a part where it's  
16 called the waiver. I read off, "Do you understand  
17 each of these rights I explained to you? And having  
18 these rights in mind, do you wish to speak to me  
19 now?"

20 Q. Okay. And did you read that card out to this  
21 group of people?

22 A. I did.

23 Q. You read it aloud?

24 A. I read it aloud. I went line by line as I  
25 always do, starting with number one and -- and so

1       forth and made sure that everybody understood each  
2       line that I read, and everybody said they  
3       understood.

4       Q.     So you got verbal responses from everyone?

5       A.     That's correct.

6       Q.     Okay.  Were you ever concerned that the  
7       defendant was under the influence of drugs or  
8       alcohol to the extent that she couldn't understand  
9       what you were saying?

10      A.     No, ma'am.

11      Q.     Okay.  And were you ever concerned that the  
12      defendant had any physical or mental disability that  
13      would've impaired her ability to understand what was  
14      being said or was being asked?

15      A.     I wasn't aware, nor did it appear to me she  
16      was.

17      Q.     Okay.  And how long would you say that you  
18      spent with Ms. Carswell between the time that the --  
19      that you detained her and the search warrant  
20      arrived?

21      A.     I would say approximately an hour.

22      Q.     Okay.  And during that time, did you notice her  
23      to be under the influence of anything to where she  
24      would not understand?

25      A.     I did not.

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1 Q. Okay. Did -- at that time did you notice that  
2 she had any physical or mental disabilities that  
3 would've impaired her ability to understand what was  
4 happening?

5 A. I didn't notice anything.

6 Q. Okay. And did it appear to you that the  
7 defendant understood her Miranda warnings?

8 A. Correct.

9 MS. HUCKER: Thank you. I have no further  
10 questions. Please answer any Mr. Lucas may have for  
11 you.

12 THE WITNESS: Yes, ma'am.

13 CROSS-EXAMINATION

14 BY MR. OPPERMAN:

15 Q. When you went into the house, you detained four  
16 people in bedroom one; is that right?

17 A. Yes, sir.

18 Q. And that's the same bedroom where the drugs  
19 were later found, right?

20 A. I'm not sure about that, but to my knowledge it  
21 was.

22 Q. Okay. And it wasn't just Nancy Carswell in the  
23 bedroom, was it?

24 A. I'm sorry. I didn't understand.

25 Q. It wasn't just Nancy Carswell in that bedroom,

1 was it?

2 A. There were four individuals in that room.

3 Q. Four individuals. There were two males; is  
4 that right?

5 A. Purely off memory from two years ago, I believe  
6 there was two males and two females. My  
7 supplemental report noted who was in there.

8 Q. Okay. And one of those males had a fugitive  
9 warrant from Georgia and was arrested; isn't that  
10 right?

11 A. I'm not aware of that, sir.

12 Q. Okay. Now, your report indicates that you were  
13 tasked with scene security; is that right?

14 A. Yes, sir.

15 Q. And that included watching all seven people who  
16 were detained inside the home once they got in the  
17 living room as you testified, right?

18 A. Yes, sir.

19 Q. You said you read those Miranda rights to all  
20 the folks who were in there in the group, right?

21 A. Yes, sir.

22 Q. But you didn't have Ms. Carswell sign a Miranda  
23 waiver, did you?

24 A. No, sir.

25 Q. And you didn't have anybody else sign a Miranda

1 waiver either, did you?

2 A. No, sir.

3 Q. And you didn't have her give a written  
4 statement, did you?

5 A. I did not.

6 Q. And you didn't see her give a written  
7 statement, did you?

8 A. No, sir.

9 Q. And you didn't hear her give a statement, did  
10 you?

11 A. No, sir.

12 Q. And you really don't have any knowledge about  
13 what she said or didn't say, right?

14 A. I don't.

15 MR. OPPERMAN: Thank you. Nothing further.

16 THE COURT: Anything on redirect?

17 MS. HUCKER: Nothing, Judge.

18 THE COURT: Okay. You can step down.

19 THE WITNESS: Yes, sir.

20 (Witness excused.)

21 THE COURT: Do you have another one that you  
22 can call? It's sort of depending on you. I know we  
23 have a long day today.

24 MR. OPPERMAN: Your Honor, I believe we have a  
25 brief matter of law.



1       going to take about an hour. So the plan right now  
2       is to finish with all the testimony today. Tomorrow  
3       morning come in at 11:00, do the argument -- closing  
4       arguments by the lawyers, then I'll have to read to  
5       you this charge on the law, and then we'll get this  
6       case to you.

7               So that's the plan right now. So we should by  
8       lunch tomorrow, and we may end up ordering you lunch  
9       so you can just work through lunch and have this  
10      case in your hands. Okay. But we're going to try  
11      to finish all the witnesses today so we won't have  
12      any tomorrow.

13             All right. You can call your next witness.

14             MS. HUCKER: State calls Detective Acevedo.

15             (Witness approached.)

16             THE CLERK: Please raise your right hand.

17             THE WITNESS: (Complying.)

18             THE CLERK: Do you solemnly swear or affirm the  
19      testimony you give this Court is the truth, the  
20      whole truth, and nothing but the truth?

21             THE WITNESS: I do.

22             THE CLERK: Thank you. Please state your full  
23      name for the record and spell your last name.

24             THE WITNESS: My full name is Andres Acevedo.

25             The last name is A-c-e-v-e-d-o.

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1 DETECTIVE ANDRES ACEVEDO,  
2 having been produced and first duly sworn as a  
3 witness on behalf of the State, testified as  
4 follows:

5 DIRECT EXAMINATION

6 BY MS. HUCKER:

7 Q. Detective Acevedo, by who are you employed?

8 A. Anderson County Sheriff's Office.

9 Q. And what is your current position there?

10 A. Detective with the narcotics investigations  
11 unit.

12 Q. And was that your position at the sheriff's  
13 office in March of 2018?

14 A. It was.

15 Q. Okay. And how long have you been in law  
16 enforcement?

17 A. Approximately, ten years.

18 Q. And what are some of your duties and  
19 responsibilities as a member of SID?

20 A. Again, I'm assigned to the narcotics  
21 investigations unit. We deal with drug  
22 investigations, drug complaints in the county. We  
23 assist other agencies with drug investigations also,  
24 and we also respond to anything to do with drugs in  
25 the county like overdoses or drug talks to different

1 community areas. Stuff like that.

2 Q. Okay. Were you involved in a drug  
3 investigation regarding Nancy Elaine Carswell or  
4 Nancy Elaine Driver in March of 2018?

5 A. I was.

6 Q. Okay. And how did that investigation begin?

7 A. I received a tip from a confidential source.

8 Q. Okay. And did the confidential source provide  
9 you a location?

10 A. Yes, ma'am.

11 Q. What was the address they provided?

12 A. [REDACTED] Fairlane Drive.

13 Q. And is that in Anderson County?

14 A. Yes, ma'am.

15 Q. Okay. And what did you do upon receiving that  
16 information?

17 A. After receiving that information, I seek  
18 assistance from another detective in my unit,  
19 Detective Proner, and also advised other detectives  
20 and supervisors what we were going to be doing.

21 So we conducted surveillance at [REDACTED] Fairlane  
22 Drive, and we noticed several vehicles and people  
23 coming and going. Once we established that there  
24 was a heavy flow of traffic coming in and out, we  
25 then -- I then notified other units to respond to

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1 the area for proactive patrol and assistance with  
2 the surveillance operation.

3 Q. Okay. So you had visual surveillance through  
4 Detective Proner?

5 A. Yes, ma'am.

6 Q. Can you identify what kind of visual  
7 surveillance he did?

8 A. Yes, ma'am. So I -- I was actually his safety  
9 officer at the time.

10 Q. What's a safety officer?

11 A. A safety officer is just somebody doing  
12 surveillance, covert surveillance, anything that he  
13 needs. If he needs to be picked up from an area  
14 that I'm dropping him off. If he needs anything,  
15 I'm there to assist him to make sure that he's okay.

16 That day, he was dropped off in a wooded area  
17 near the address, so I was close by just making sure  
18 he was okay when there.

19 Q. Okay. And so he provided visual surveillance.  
20 Were you in contact with him?

21 A. I was.

22 Q. How were you in contact with him?

23 A. We have radios that are provided to the county.  
24 It's a handheld radio. We have an encrypted channel  
25 that we talk to each other on.

1 Q. Okay. And Detective Proner was giving you  
2 information from the visual surveillance?

3 A. Yes, ma'am.

4 Q. Okay. And what did you do with that  
5 information once he gave it to you?

6 A. Once he gave me that information, I was able to  
7 relay to other units assisting with the operation at  
8 the time.

9 Q. Okay. About how many other unites do you think  
10 you had assisting?

11 A. We had units from the special investigation  
12 division, street narcotics unit, and also other  
13 narcs or narcotics detectives like myself.

14 Q. Okay. And what were those units doing?

15 A. Some of the plain clothes were narcotics  
16 detectives. They were in cold vehicles -- cold  
17 cars, which are unmarked vehicles we use for  
18 other -- different operations to do buys or to use  
19 for surveillance at the time. We had those units in  
20 the area. We also had other units in uniform which  
21 are street narcotics units, and they were conducting  
22 proactive patrol.

23 Q. Okay. And what does proactive patrol mean?

24 A. Proactive patrol is whenever there's units  
25 in -- in that street narcotics. And they go to a

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1 problem area or they assist us with a certain  
2 investigation of a location, like this location  
3 that's [REDACTED] Fairlane Drive. They were in the area.  
4 They were not on the street or anything. But  
5 anybody that we needed to make contact with or tried  
6 to identify, they were the units that were assisting  
7 us.

8 Q. Okay. And what, if anything, happened during  
9 that proactive patrol?

10 A. There's a vehicle stop.

11 Q. Okay. What kind of vehicle was stopped? Do  
12 you know?

13 A. Dark in color BMW Z4 or Z3, either one.

14 Q. Okay. And who was driving that car? Do you  
15 know.

16 A. Tara Thomason.

17 Q. Okay. And do you know what happened at that  
18 traffic stop?

19 A. She was stopped for a traffic infraction  
20 somewhere near the area of Highway 28, there in the  
21 roadside interview with the officer in there and the  
22 people that were there, the officers that pulled her  
23 over. There was drug paraphernalia, I believe a  
24 large sum of money was also found, and some  
25 methamphetamine.

1 Q. Okay. And what part, if any, did you take in  
2 that traffic stop?

3 A. I responded after my supervisor responded to  
4 the scene. I dropped off a camera that was needed  
5 to take pictures. And then I left at the direction  
6 of my supervisor when he advised me that I needed to  
7 be en route to get a subpoena.

8 Q. Okay. And around what time would you say that  
9 you were sent to obtain that search warrant?

10 A. It was between 8:30, 8:45 is when I got to my  
11 office.

12 Q. Okay. And you were leaving from what area?

13 A. It was the area of Highway 28 and New -- New  
14 Pond Road.

15 Q. New Pond Road. So it was 8:30 at night you  
16 said?

17 A. Yes, ma'am.

18 Q. When you got to your office?

19 A. Yes, ma'am.

20 Q. Okay. And what were you doing at your office?

21 A. I was -- I was actually putting all the  
22 information into a search warrant, the location of  
23 the -- the description and location of the area of  
24 the residence we were going to search. Also, a  
25 narrative of the belief -- the affiant's belief as

1 to why we needed a search warrant or why we were  
2 trying to obtain a search warrant.

3 Q. Okay. And can you tell the jury a little bit  
4 about how you obtain a search warrant?

5 A. When we obtain a search warrant, especially at  
6 that time of hour, we have to notify the on-call  
7 magistrate. I made contact with him, and he'll give  
8 us an address -- his address of where he lives at or  
9 she, and we have to respond to their address and get  
10 the -- show them the search warrant, explain the  
11 case to them, and then he'll tell us probable cause  
12 has been established or not.

13 Q. And did you know who the on-call magistrate was  
14 on the night of March 12, 2018?

15 A. Yes, ma'am. It was Judge White.

16 Q. Okay. And did you know -- because this was  
17 around 8:30 at night, it's obviously after hours.  
18 Did you know how long it was going to take you to  
19 get in touch with Judge White?

20 A. I did not. The time and hour being after  
21 hours, I just -- I called him and he returned my  
22 call, and then gave me an address of where he lived  
23 at.

24 Q. Okay. And without saying the exact address,  
25 what area of town were you headed to to get the



1 search warrant signed?

2 A. It's the northern end of Anderson County on  
3 Highway 81. Just to give you a location,  
4 it's between NewSpring Church and T.L. Hanna, in  
5 that area.

6 Q. Okay. So about how long would it take you to  
7 get from your office at Alpine Road to the judge's  
8 house?

9 A. Approximately, 25 to 30 minutes.

10 Q. Okay. And then from the judge's house back to  
11 [REDACTED] Fairlane Drive?

12 A. Fairlane Drive was pretty much in the heart of  
13 Homeland Park. From the area of Highway 81 back to  
14 that location, 25, 30, maybe 35 minutes.

15 Q. So would it be safe to say that you arrived  
16 back on scene at [REDACTED] Fairlane Drive around 10:15,  
17 10:20?

18 A. Yes, ma'am.

19 Q. Okay. So you were able to obtain a search  
20 warrant for [REDACTED] FairLane Drive?

21 A. Yes, ma'am.

22 Q. Okay. And when did you execute that search  
23 warrant?

24 A. The search warrant was read out at 10:27 I  
25 believe.

1 Q. Okay. What do you mean when you say "read  
2 out"?

3 A. So whenever a -- just whenever a search warrant  
4 is on scene and ready to be executed, usually  
5 whoever is collecting evidence does the execution of  
6 the search warrant. And that search warrant is  
7 read, every page, every word in a search warrant is  
8 read to the homeowners or whoever's there.

9 Q. Okay. I'm sorry. Keep going.

10 A. I'm sorry. When we say "execution," that just  
11 means that's when the search warrant is read off and  
12 who -- who read it off.

13 Q. Okay. And does your office or your unit have a  
14 protocol when you execute a search warrant?

15 A. Yes, ma'am.

16 Q. Okay. What is that protocol?

17 A. Different -- different people, depending on  
18 what job you're just going to do during the  
19 execution of the search warrant. There could be  
20 units assigned to the perimeter of the residence.  
21 There could be units assigned to the entry of a  
22 residence and also perimeter in the area of the --  
23 the incident location.

24 Q. Okay. And you said earlier that whoever reads  
25 the search warrant is someone assigned to collect

1 evidence.

2 A. Yes.

3 Q. So is someone assigned that particular job, as  
4 well?

5 A. Yes.

6 Q. Okay. And was that protocol that you just  
7 described followed in this case?

8 A. Yes, ma'am.

9 Q. Okay. Was the defendant in this case, Nancy  
10 Carswell, was she detained when the residence was  
11 being secured?

12 A. I was not on scene when the residence was being  
13 secured, but when I arrived she was detained.

14 Q. She was detained. Okay. Where was she when  
15 you arrived?

16 A. When I arrived with the search warrant, she was  
17 in the living room area with the rest of the  
18 subjects that were located in the house.

19 Q. Okay. And did you have the occasion to meet  
20 with Nancy Carswell in regards to taking a statement  
21 from her?

22 A. I did.

23 Q. When was the statement made?

24 A. The statement was made after the search warrant  
25 was read off and after the Miranda warning was read

1 off to all the subjects that are detained.

2 Q. Okay. But it would've been that night?

3 A. Yes, ma'am.

4 Q. So March 12, 2018?

5 A. Yes, ma'am.

6 Q. Around 10:30?

7 A. Yes, ma'am.

8 Q. Okay. Were you ever concerned that the  
9 defendant was under the influence of alcohol or  
10 drugs the extent that it would impair her ability to  
11 understand what was happening?

12 A. No, ma'am.

13 Q. Were you ever concerned that the defendant had  
14 any physical or mental disabilities that would've  
15 impaired her ability to understand what you were  
16 asking or what was being said?

17 A. No, ma'am.

18 Q. Okay. And where was the statement taken?

19 A. The statement was taken in the bedroom where  
20 she was detained. To give you a description of that  
21 bedroom, I made entry through the carport.

22 When I made entry through the carport, you go  
23 through the kitchen area. Once you pass the kitchen  
24 area, to your left is the living room area. You  
25 continue going straight. There's going to be a

1 doorway to the right. You go through that doorway  
2 and then there's several bedrooms. You'll also  
3 encounter the front door of the residence.

4 When you encounter the front door of the  
5 residence, the bedroom is going to be to the right.  
6 It's going to be to the right. It's the first  
7 bedroom. If you were to walk in the front door,  
8 it's the first bedroom to the left. If you were to  
9 walk in the hallway, it's going to be the last  
10 bedroom to the right.

11 Q. Okay. And can you describe that room for us?

12 A. Yes, ma'am. What I can recall, there was a TV  
13 maybe up on a dresser. There was a bed in the  
14 middle of the room. There was clothing everywhere.

15 Also, the windows that were in the bedroom were  
16 windows that would be facing the road of Fairlane  
17 Drive, so they'd face the front of the house.

18 MS. HUCKER: If I can beg the Court's  
19 indulgence for one moment.

20 THE COURT: Sure.

21 BY MS. HUCKER:

22 Q. Detective, I'm going to show you -- I'm going  
23 to show you what's been marked as State's  
24 Exhibit 20. Can you take a look at that for me,  
25 please?

1 A. Yes, ma'am.

2 Q. Do you recognize that?

3 A. I do.

4 Q. What is it?

5 A. It's the bedroom where she was detained.

6 Q. Okay. And were you present on the scene the  
7 night that this photo was taken?

8 A. I was.

9 Q. And does that picture accurately reflect the  
10 scene as you remember it?

11 A. Yes, ma'am.

12 Q. Do any changes appear to have been made, any  
13 deletions been made?

14 A. No, ma'am.

15 MS. HUCKER: Your Honor, at this time I would  
16 move State's Exhibit 20 into evidence and have it  
17 published to the jury.

18 MR. LUCAS: Without objection, Judge.

19 THE COURT: Without objection.

20 (State's Exhibit No. 20 was received into  
21 evidence.)

22 BY MS. HUCKER:

23 Q. Detective Acevedo, can you see that okay?

24 A. Yes, ma'am.

25 Q. Can you tell the jury what they're looking at

1 right here?

2 A. Looking at the bedroom where the defendant was  
3 detained at.

4 Q. Okay. And to the best of your knowledge, is  
5 this also the room in which the methamphetamine was  
6 found?

7 A. Yes, ma'am.

8 Q. Now, was the door of that bedroom, when you  
9 were in there speaking with Ms. Carswell, was the  
10 door to the bedroom open or closed?

11 A. It was open.

12 Q. Okay. And where was the defendant in this  
13 room? Was she seated or standing?

14 A. She was standing.

15 Q. And where were you in relation to her, seated  
16 or standing?

17 A. Standing.

18 Q. Were you blocking the door?

19 A. No, ma'am.

20 Q. Okay. Were you in uniform?

21 A. No, ma'am.

22 Q. What do you wear when you do search warrants?

23 A. I -- again, I'm part of the narcotics  
24 investigations unit. We wear plain clothes. We do  
25 carry a gun. We do carry a badge. And we do carry

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1 identification that identifies us as members of the  
2 Anderson County Sheriff's Office.

3 Q. Okay. When you say "plain clothes," what do  
4 you mean?

5 A. Just regular every day clothes. Maybe a  
6 t-shirt; maybe a button-up shirt; blue jeans. Most  
7 of the time, a pair of boots or tennis shoes.

8 Q. Okay. And so you were not in uniform, but you  
9 were armed?

10 A. Yes, ma'am.

11 Q. Could Ms. Carswell see that firearm?

12 A. No, ma'am.

13 Q. Where do you keep it?

14 A. I keep it -- I keep it tucked under my shirt on  
15 my waist, conceal carry.

16 Q. Okay. And how long did you speak with the  
17 defendant?

18 A. Maybe ten minutes.

19 Q. Did you take any breaks?

20 A. No, ma'am.

21 Q. Did she ask to take any breaks?

22 A. No, ma'am. She didn't ask for anything.

23 Q. Was she denied access to a telephone? a  
24 cigarette? bathroom? food? drink?

25 A. She never asked.



1 Q. She never asked. Were there any threats or  
2 promises made in exchange for her statement?

3 A. No, ma'am.

4 Q. Was the defendant under arrest at the time?

5 A. She was detained.

6 Q. Okay. Can you tell us the difference between  
7 detained and under arrest?

8 A. At the time she was not under arrest, she was  
9 detained due to the drug investigation we had going  
10 on at the residence. Nobody could leave. Nobody  
11 could come in. Nobody can leave.

12 Q. Okay. And was she in handcuffs?

13 A. She was.

14 Q. Okay. Was she handcuffed in the front or in  
15 the back?

16 A. She was handcuffed in the front.

17 Q. She was handcuffed in the front?

18 A. Yes, ma'am.

19 Q. Okay. And was she free to go during  
20 questioning?

21 A. She was not.

22 Q. Was the defendant aware of the nature of the  
23 investigation?

24 A. Yes, ma'am. We read the search warrant off to  
25 her.

1 Q. Okay. And the search warrant, what would that  
2 include to make her aware of that?

3 A. It would include -- in the narrative portion of  
4 the search warrant, it what include what had  
5 occurred, what -- what our beliefs were and what the  
6 facts were, what had happened.

7 Going on to the traffic stop and what  
8 information was given during the traffic stop, and  
9 then what the affiant's belief was for the search  
10 warrant.

11 Q. So, essentially, it would include the  
12 encapsulation of all of your surveillance from that  
13 day?

14 A. Yes, ma'am.

15 Q. Okay. And before speaking with the defendant,  
16 was she advised of her Miranda rights?

17 A. She was.

18 Q. Who advised her of those rights?

19 A. At the time it was Detective Hendrix who's now  
20 been promoted to sergeant.

21 Q. Okay. And were you a witness to those Miranda  
22 rights being read?

23 A. I was.

24 Q. Did he recite them from memory or did he read  
25 them from a card?

1 A. He read them from a card.

2 Q. And did the defendant's answers to those  
3 questions appear rational and responsive to you?

4 A. Detective Hendrix at the time -- every time he  
5 would ask her -- or he would ask a certain portion  
6 of the Miranda warning, he would stop and make sure  
7 that everybody understood before he moved onto the  
8 next.

9 Q. Okay. Did any -- did you or anyone in your  
10 presence threaten or coerce this defendant in any  
11 fashion?

12 A. No, ma'am.

13 Q. Did you offer her any promises or any hope of a  
14 reward?

15 A. No, ma'am.

16 Q. Did it appear to you that the defendant  
17 understood her Miranda warnings?

18 A. Yes, ma'am.

19 Q. Did it appear to you that the defendant wanted  
20 to waive her Miranda rights?

21 A. Yes, ma'am.

22 Q. Did she at any time change her mind and later  
23 ask to speak to an attorney?

24 A. No, ma'am.

25 Q. Okay. Did she sign a waiver of her Miranda

1 rights?

2 A. She did not.

3 Q. Why not?

4 A. Due to the environment we had going on at the  
5 time, we just had way too much stuff going on.

6 There was a lot of moving parts. She just -- we --  
7 we didn't provide her with a -- with a written  
8 portion of the waiver to sign.

9 Q. Okay. After waiving her rights, did the  
10 defendant give you a statement?

11 A. She did.

12 Q. To the best of your knowledge, was the  
13 defendant's statement freely and voluntarily given?

14 A. It was.

15 Q. Was the statement written or recorded?

16 A. No, ma'am.

17 Q. Why not?

18 A. Again, due to the environment, everything that  
19 was going on, all the moving parts. It was just --  
20 she made a statement to me, and I made a note of it.

21 Q. Okay. And what did she tell you?

22 MR. OPPERMAN: Objection, Your Honor.

23 THE COURT: You mean ---

24 MR. OPPERMAN: --- we renew our previous  
25 objections.

1           We believe the statement's inadmissible because  
2           she -- it's involuntary. And it violates the  
3           defendant's Fifth and Fourteenth Amendment rights  
4           against self-incrimination, due process of law, as  
5           well as the South Carolina Constitution, Article 1,  
6           Section 3 and 12. We also believe the statement is  
7           fruit of the illegal seizure in violation of the  
8           Fourth Amendment of the United States Constitution,  
9           Article 1, Section 10, of the South Carolina  
10          Constitution.

11           THE COURT: And you're incorporating your  
12          arguments you made yesterday?

13           MR. OPPERMAN: Yes, Your Honor.

14           THE COURT: Okay. All right. Overruled, but  
15          you're protected for the record. You may continue.

16           MS. HUCKER: Thank you, Judge.

17          BY MS. HUCKER:

18          Q.     Detective Acevedo, what did Nancy Elaine  
19          Carswell tell you?

20          A.     She told me that her -- her co-defendant, who  
21          she nicknamed Little Roy, Cecil Walters Lee, had hid  
22          a red medicine bag.

23                 She also stated that her and the defendant,  
24          Nancy, and Little Roy had purchased the drugs from  
25          Tara Thomason. And she also gave a description of

1 Tara Thomason's vehicle, which was a dark in color  
2 BMW Z4.

3 Q. Okay. Did she at any time say that Tara  
4 Thomason delivered the methamphetamine to [REDACTED]  
5 Fairlane Drive?

6 A. Yes, ma'am.

7 Q. Other than coming here to testify, did you have  
8 any further involvement in this case?

9 A. No, ma'am.

10 MS. HUCKER: Thank you so much. Please answer  
11 any questions the defense may have.

12 CROSS-EXAMINATION

13 BY MR. LUCAS:

14 Q. Detective Acevedo, you testified that you  
15 interviewed Ms. Carswell on March 12th?

16 A. I did.

17 Q. You didn't record that interview, did you?

18 A. Did not.

19 Q. And you were issued a county-issued smartphone,  
20 correct?

21 A. I did. Yes, sir. I have.

22 Q. And that has the ability to record audio and  
23 video, does it not?

24 A. It does.

25 Q. So you had the ability to record this alleged

1 statement?

2 A. Yes, sir, I did.

3 Q. And you chose not to?

4 A. Not on my county phone, no.

5 Q. And there were plenty of other officers present  
6 that night, as well?

7 A. There was.

8 Q. More than ten?

9 A. I couldn't give you an exact number. I don't  
10 recall how many there was, but there were several.

11 Q. And each one of them had a county-issued  
12 smartphone, as well?

13 A. I know my -- my unit, which is -- at the time  
14 there was six narcotics detectives, yes. We have  
15 county-issued phones, but I can't speak for the rest  
16 of them.

17 Q. And you didn't ask anyone else to record this  
18 statement either?

19 A. Did not.

20 Q. And you were not wearing a body camera that  
21 night?

22 A. No, sir.

23 Q. So the statement's not recorded on body camera  
24 either?

25 A. We don't have issued body cameras in my unit.

1 Q. And it's the sheriffs office's policy not to  
2 run body cameras?

3 A. We don't have admission to those.

4 Q. And it's your testimony that Ms. Carswell did  
5 not give a signed statement?

6 A. No, sir.

7 Q. And nor is there any signed Miranda waiver  
8 either?

9 A. No, sir. She was read the Miranda warning from  
10 a card.

11 Q. And you testified yesterday that no one else  
12 was present for your interview with Ms. Carswell?

13 A. No, sir.

14 Q. It was just you and she?

15 A. Sir?

16 Q. The only two people present during this  
17 interview were you and Nancy Carswell?

18 A. There was several people in there walking  
19 around, but, no, nobody was witnessing what -- what  
20 me and Ms. Nancy were talking about.

21 Q. So no one else can come into court and say that  
22 they saw your interview with her?

23 A. They can testify that they saw me speaking with  
24 her, but as far as the contents of what was being  
25 said, I don't know. I don't know anybody that heard



1 anything.

2 Q. And you testified yesterday that no one did, or  
3 no one heard your conversation with her, correct?

4 A. Sir, if I recall yesterday, I said there was  
5 people walking around. I -- I can't recall what  
6 they listened to or what they heard.

7 Q. And it was your testimony that you did not  
8 Mirandize her?

9 A. I witnessed it.

10 Q. And Detective Hendrix Mirandized Ms. Carswell?

11 A. Yes, sir.

12 Q. Detective Hendrix did not listen in to this  
13 alleged statement, did he?

14 A. Not to my knowledge.

15 Q. Moving forward to the traffic stop of Tara  
16 Thomason. You requested that the vehicle be  
17 stopped, did you not?

18 A. I requested if there was a traffic infraction  
19 to stop the vehicle.

20 Q. And after Ms. Thomason was stopped, it's your  
21 understanding that law enforcement found a meth pipe  
22 in the car?

23 A. That's what's written in the report. I was not  
24 there for the traffic stop.

25 Q. Well, you're the lead investigator. Surely you

1 know that.

2 A. I understand that, but I was not the one that  
3 stopped the vehicle.

4 Q. And it's also your understanding that  
5 methamphetamine was found in the car?

6 A. That's what's in the report. Again, I was not  
7 there for the traffic stop.

8 Q. And it's your understanding that \$39,000 in  
9 cash was found in the car?

10 A. My understanding was that a large sum of money  
11 was located in the car.

12 Q. But you're the lead investigator, right?

13 A. That's correct.

14 Q. And you're saying you don't know how much money  
15 was in the car?

16 A. Sir, again, I was not present for the traffic  
17 stop. I was told that there was a large sum of  
18 money located and the money was not counted during  
19 the traffic stop.

20 Q. And the 39- or \$40,000, you didn't take that  
21 into evidence, did you?

22 A. It was put into evidence in a sealed evidence  
23 bag, and it was taken to the evidence department for  
24 safekeeping until the next day or the following day.  
25 I don't have that exact date. It was taken to

1 the -- to a bank and a certified bank teller counted  
2 the money.

3 Q. I thought you said you didn't know how much  
4 money it was?

5 A. Sir, again, I didn't go to the bank.

6 Q. Okay. And are you aware of how much money it  
7 was?

8 A. I'm not a hundred percent sure.

9 Q. And despite all of this, Ms. Thomason was not  
10 arrested?

11 A. Correct.

12 Q. She was let go?

13 A. That's my understanding.

14 Q. And she was never charged with trafficking  
15 methamphetamine in this case?

16 A. She didn't have any drugs on her to be charged  
17 with trafficking methamphetamine.

18 Q. And she was not charged with possession of  
19 methamphetamine?

20 A. There again, I was not the affiant of the  
21 traffic stop.

22 Q. Well, to your knowledge, she wasn't charged?

23 A. That's what's in the report.

24 Q. And you're the lead investigator?

25 A. I am.

1 Q. It would be a fair statement to say that if she  
2 was charged, you'd know about it?

3 A. If it's in the report, I would've read it.

4 Q. And it's not in the report?

5 A. Not to my knowledge.

6 Q. So it would be fair to say she wasn't charged?

7 A. Again, whatever the officer pulled her --  
8 pulled her over did not charge her, that's a  
9 question for him.

10 Q. But you're the lead investigator?

11 A. I am.

12 Q. So are you aware whether she was charged or  
13 not?

14 A. It's not in the report, so, no, she was not  
15 charged.

16 Q. And subsequent to that, Ms. Thomason was  
17 arrested for trafficking methamphetamine two more  
18 times, and convicted or has plead guilty to two  
19 Federal drug charges?

20 A. That's correct.

21 Q. Now, moving forward to the house. You  
22 testified earlier that you got a search warrant at  
23 9:52?

24 A. I believe it was 9:55.

25 Q. Okay. 9:55?

1 A. Yes, sir.

2 Q. And the traffic stop was at 8:55?

3 A. If that's what's in the CAD report from  
4 dispatch.

5 Q. Well, that's what you testified to yesterday.

6 A. When was the traffic stop?

7 Q. 8:55.

8 A. I believe it was 8:14.

9 Q. Okay. So the stop was at 8:14?

10 A. Yes, sir.

11 Q. And then you didn't get a warrant until 9:52?

12 A. That's correct.

13 Q. And police went into the house at 8:55?

14 A. That's right.

15 Q. And I misspoke earlier about that time. I'm  
16 sorry.

17 So now, when police entered the home, it's your  
18 understanding that there were four people inside of  
19 bedroom no. 1?

20 A. That's what I was told. Again, I was not part  
21 of the entry team. I was obtaining a search  
22 warrant, so I was not on scene.

23 Q. But you're the lead investigator?

24 A. I am.

25 Q. And it's your case?

1 A. It is.

2 Q. So in bedroom no. 1, that's the same bedroom  
3 where the drugs were eventually found?

4 A. To my knowledge, yes.

5 Q. And so it's not just Nancy Carswell in here.  
6 There's three other people?

7 A. That's right.

8 Q. Roy Walters was in there?

9 A. He was one of them. Yes, sir.

10 Q. And Mr. Walters was charged with trafficking  
11 methamphetamine?

12 A. He was.

13 Q. Same charge as Ms. Carswell was charged with?

14 A. That's correct.

15 Q. And Steven Dennis Harris was also in the same  
16 room?

17 A. Sir, I can't speak for the other two that were  
18 arrested. The only people that I can speak for is  
19 the defendant and co-defendant.

20 Q. And then there was another woman in the room as  
21 well, correct?

22 A. My understanding, yes.

23 Q. Julie Hanks?

24 A. Again, sir, I can't recall her name or the  
25 others to an extent. I can tell you about the

1 defendant and the co-defendant.

2 Q. And all of these people, they were detained?

3 A. They were.

4 Q. And Nancy Carswell was eventually searched?

5 A. Again, sir, I was not there.

6 Q. Well, she was taken into custody?

7 A. She was detained.

8 Q. Well, and she was subsequently arrested?

9 A. She was detained.

10 Q. Well, you charged her with trafficking  
11 methamphetamine the next day?

12 A. That is correct.

13 Q. And she was never released from custody between  
14 March 12th and the next day, March 13th?

15 A. Sir, whenever she was detained was when the  
16 residence was secured. She was not under arrest.  
17 She was detained. She was then placed under arrest  
18 after there was enough evidence to charge her with  
19 the drugs.

20 Q. Yes. That's what I'm saying. So she was  
21 eventually arrested?

22 A. Eventually, yes.

23 Q. And when folks are arrested, they are searched  
24 either immediately if the -- when that occurs  
25 incident to arrest or at the jail, correct?

1 A. To my knowledge, she was probably patted down  
2 when she was detained. It's called a terry frisk  
3 for weapons. She was probably not searched in  
4 thorough. She was patted down for weapons. She was  
5 a female. She was probably searched when she got to  
6 the jail thoroughly by another female.

7 Q. And to your knowledge, she was not found to  
8 have any drugs when searched?

9 A. To my knowledge, no.

10 Q. And you would agree that you didn't put  
11 anything in your report about that?

12 A. About her not having any drugs?

13 Q. You would agree that there's nothing in your  
14 report saying that she was found with drugs on her  
15 person?

16 A. Correct.

17 Q. Now, your report indicates that you didn't  
18 personally find any evidence during the search,  
19 correct?

20 A. I didn't find anything of evidentiary value.

21 Q. But you're the lead investigator?

22 A. That's correct.

23 Q. And you're aware of what was found?

24 A. I am.

25 Q. And you would agree with me that eventually



1       there was this baggy of drugs that was found in a  
2       Ziploc baggy?

3       A.     You would have to elaborate a little bit.

4       There was several bags of drugs found on scene.

5       Q.     Okay. But there was one main bag that's in --  
6       that's in a plastic baggy? That would be accurate?

7       A.     If it's the one that had the most  
8       methamphetamine in it. To my knowledge, it was  
9       found in a red medicine bag.

10      Q.     But there are bags inside of the red medicine  
11      bag?

12      A.     Sir, again, it was found in a red medicine bag.  
13      That's where the majority of the methamphetamine was  
14      found.

15             MR. LUCAS: Beg the Court's indulgence for just  
16      a moment, Your Honor.

17             (Counsel conferring.)

18             MR. LUCAS: Permission to approach the witness,  
19      Your Honor?

20             THE COURT: Yes, sir.

21      BY MR. LUCAS:

22      Q.     Detective Acevedo, would you identify that  
23      document after you've had a chance to look at it?

24      A.     Yes, sir. This is Detective Wood's  
25      supplemental report.

1 Q. Okay. And Detective Wood is another officer  
2 who participated in this investigation on  
3 March 12th?

4 A. Yes, sir. He's another detective with ACDS.

5 Q. Thank you. And Detective Wood -- and -- I  
6 would -- let me back up for a second. You're  
7 familiar with this report and you've seen it before?

8 A. Yes, sir, I have.

9 Q. Okay. And would it be accurate to say that  
10 Detective Wood indicates that evidence item D-3,  
11 which was located by Corporal Pickens, is a plastic  
12 Ziploc bag containing methamphetamine and that it  
13 was located during the search inside of a brown  
14 paper bag?

15 A. Yes, sir. So ND-4, this is also described in  
16 this report as being a brown paper bag that was  
17 located in a red and black Johnson and Johnson  
18 medical bag.

19 Q. Exactly. Thank you. Thank you for  
20 volunteering that. That's where I was going next.  
21 So what we have is a baggy of -- we have some drugs  
22 that are inside of a Ziploc, right?

23 A. Yes, sir.

24 Q. And that Ziploc is inside of a brown paper  
25 baggy?

1 A. Brown paper bag. Yes, sir.

2 Q. And that brown paper baggy is inside of this  
3 red medical bag?

4 A. Yes, sir.

5 Q. Okay. And it would be fair to say that all  
6 three bags -- the Ziploc, the brown bag, and the  
7 medical bag -- those are all collected and taken  
8 into evidence?

9 A. Yes, sir.

10 Q. And none of this evidence was later submitted  
11 to forensics, was it?

12 A. Not that I know of, sir.

13 Q. Well, you're the lead investigator. You'd know  
14 if it was submitted?

15 A. Right. I can't recall. This case was almost  
16 two years ago, sir. I can't recall.

17 Q. So you can't recall whether you ever submitted  
18 it to forensics?

19 A. No, sir.

20 Q. Would it be fair to say that you did not turn  
21 over any paperwork in this entire case that would  
22 indicate that you did submit it to forensics?

23 A. I submitted everything that was in the Rule 5,  
24 sir, so no.

25 Q. And you can't say that you ever made a request

1 to send it over there?

2 A. Sir, I can't recall.

3 Q. Sounds like a "no."

4 A. I cannot recall.

5 Q. So to your -- to your knowledge, no one ever  
6 did anything to look for any fingerprints on this  
7 physical evidence?

8 A. Sir, there was your client. She told me that  
9 she purchased the drugs.

10 Q. Could you answer my question, please?

11 A. Repeat your question.

12 Q. My -- my question is: Did anyone ever take any  
13 steps to have this evidence analyzed for  
14 fingerprints or DNA?

15 A. Not that I know of.

16 Q. And it's also been testified to that officers  
17 collected \$1400 from Tara Thomason's bra?

18 A. Again, sir, I was not there for the traffic  
19 stop.

20 Q. But you're the lead investigator?

21 A. That is right.

22 Q. Okay. And you're aware that \$1400 was  
23 collected and put into evidence?

24 A. Sir, again, I was not there for the traffic  
25 stop.

1 Q. Well, that's not really on the traffic stop.  
2 You're the lead investigator. You're supervising  
3 this entire investigation. You can't tell me what  
4 was collected?

5 A. Sir, I was not there on scene, so I can't speak  
6 for what was collected on the scene.

7 Q. Well, so ---

8 A. I knew there was money that was collected from  
9 her, but I don't know the exact amount.

10 Q. Okay. \$1400 sound about right?

11 A. Sir, if it's in the report, that's about right.

12 Q. Do you know what the denomination of that \$1400  
13 would be? How many bills?

14 A. I don't know.

15 Q. And of those, how many bills did you look at  
16 for any fingerprints and DNA?

17 A. I've never -- I've never heard of somebody  
18 taking the fingerprints off of bills.

19 Q. It's a "no"?

20 A. No.

21 Q. And we'll move on from that, but it's your  
22 understanding that Tara Thomason indicated that she  
23 called Nancy Carswell, correct?

24 A. Either Nancy called her or she called her.  
25 There was a phone call made.

1 Q. Okay. Did you ever take any steps to verify  
2 that there was actually a phone call made?

3 A. Sir, again, I didn't speak with Tara Thomason.

4 Q. So you didn't take any steps at all to  
5 determine that a call was made?

6 A. No. I didn't speak to Tara Thomason.

7 Q. You did seize Ms. Carswell's phone though,  
8 didn't you?

9 A. Yes, sir.

10 Q. And that was when you got a search warrant?

11 A. No, sir. There was no search warrant been made  
12 on that phone.

13 Q. But you seized it from her?

14 A. Yes, sir. It was put into evidence.

15 Q. So you're telling me you seized it illegally?

16 A. Sir, it was put into evidence.

17 Q. So you're saying the search warrant didn't  
18 include the phone, but you took it anyway?

19 A. Sir, in my search warrant, it describes  
20 everything that we were looking for.

21 Q. Now -- and you never got a data dump from that  
22 phone to get the call history, did you?

23 A. No, sir.

24 Q. That's something you have the ability to do?

25 A. With a search warrant.

1 Q. Well, you could've gotten a search warrant,  
2 couldn't you?

3 A. I could have.

4 Q. And you didn't?

5 A. I did not.

6 Q. You also didn't make any effort to get Tara  
7 Thomason's phone records?

8 A. No, sir.

9 Q. And you would have the ability to do that with  
10 a search warrant?

11 A. Could have.

12 Q. So you could've tested her story to try to  
13 verify it to see if a phone call was actually made,  
14 and you didn't?

15 A. Right.

16 MR. LUCAS: I don't have anything further,  
17 Judge.

18 THE COURT: Anything on redirect?

19 MS. HUCKER: Judge, just briefly.

20 REDIRECT EXAMINATION

21 BY MS. HUCKER:

22 Q. So Ms. Carswell told you that Little Roy or Roy  
23 Walters ---

24 A. Yes, ma'am.

25 Q. --- had hidden the medicine bag under the

1 mattress, correct?

2 MR. LUCAS: And, Your Honor, I'm not trying to  
3 interrupt, but to preserve the record, we have to  
4 renew the same objection made by Mr. Opperman, so  
5 it's an involuntary statement and it's the fruit of  
6 illegal seizure obtained in violation of the Fourth  
7 Amendment and Article 1, Section 10, of the  
8 Constitution.

9 Also, violates Ms. Carswell's Fifth and  
10 Fourteenth Amendment rights against  
11 self-incrimination, as well as the South Carolina  
12 Constitutional -- Constitution, Article 1, Section  
13 3, as well. Sorry.

14 THE COURT: Okay. And, again, including your  
15 arguments yesterday. Okay.

16 MR. LUCAS: And that's denied, Judge?

17 THE COURT: Yeah.

18 MR. LUCAS: Thank you.

19 BY MS. HUCKER:

20 Q. So Nancy Carswell, just to go back, told you  
21 that Little Roy had hidden the medicine bag  
22 underneath the mattress, correct?

23 A. Correct.

24 Q. And he told you that she had purchased the  
25 methamphetamine from Tara Thomason, correct?



1 A. Yes, ma'am.

2 Q. And to the best of your knowledge, did Tara  
3 Thomason tell officers that she ---

4 MR. LUCAS: I'm going to object to that. He  
5 can't testify to what Tara Thomason ---

6 THE COURT: Ask that question again. I  
7 apologize.

8 MS. HUCKER: I asked to the best of his  
9 knowledge, does he know if Tara Thomason told, and I  
10 was stopped.

11 THE COURT: Yeah, sustained.

12 BY MS. HUCKER:

13 Q. So did you think that there was any reason to  
14 test for fingerprints on the paper bag, on the  
15 plastic bag, or on the medicine bag?

16 A. No, ma'am.

17 Q. Why not?

18 A. Because the defendant admitted to the drugs,  
19 that she had purchased them.

20 MR. LUCAS: Your Honor, again, I'm going to  
21 renew the same objection for purposes of the record.

22 THE COURT: Okay. Yeah, you're protected.

23 MR. LUCAS: And I assume that motion is -- or  
24 that -- the objection ---

25 THE COURT: Yeah, it's overruled.

1 MR. LUCAS: Thank you, Judge.

2 BY MS. HUCKER:

3 Q. And I just wanted to clarify one last thing.  
4 When you told Mr. Lucas that you didn't have a  
5 search warrant for the phone, it was not that you  
6 didn't have a search warrant to collect the phone,  
7 correct?

8 A. Correct.

9 Q. The phone was included in your initial search  
10 warrant?

11 A. Yes, ma'am.

12 Q. So that phone was seized legally?

13 A. Yes, ma'am.

14 Q. Okay. You did not get a search warrant to  
15 search that phone?

16 A. No, ma'am.

17 Q. You have to have a separate search warrant for  
18 that, correct?

19 A. Yes, ma'am.

20 MS. HUCKER: Okay. Thank you so much. I have  
21 no further questions.

22 MR. LUCAS: Your Honor, if I could be permitted  
23 a brief recross?

24 THE COURT: Just brief on this one only. I  
25 don't want to get that started, but go ahead.

## RECROSS-EXAMINATION

BY MR. LUCAS:

Q. Detective Acevedo, again, you didn't record the statement of -- or the alleged statement of Nancy Carswell, did you?

A. I did not.

Q. And you could have, but you didn't?

A. Correct.

Q. Okay. And you also indicated that you had a search warrant to seize Ms. Carswell's phone. I'm going to hand you your affidavit indicating the property you were seeking, and I'd like you to show me where it says "phone"?

A. Is this the whole search warrant?

Q. Here's the search warrant right here, and please show me where it says on either the affidavit or the search warrant where it says "phone"?

A. Says right here, sir. I'll read it to you.  
I'll read the whole thing to you.

It says, "Meth and any other contraband or drugs. Any and all books, records, receipts, notes, ledgers, and other paper relating to the sell, ordering, distributing, or manufacturing of contraband or drugs.

THE COURT: Yeah, you have to slow down. Yeah,

1       slow down. She's taking it all down.

2               THE WITNESS: Any and all books, records,  
3       receipts, bank statements, and other items in  
4       evidence in obtaining secrets, transfers, and/or  
5       mishandling of assets and the obtaining secret  
6       transfer concealment and/or expenditure of money and  
7       all U.S. currency, precious metals, contraband,  
8       drugs, any and all indigo, occupancy, residency and  
9       ownership of the premises described; included but  
10      not limited to the utility and telephone bills,  
11      canceled envelopes, and keys to any conveyances used  
12      to facilitate, transmission, distribution, or  
13      storage of methamphetamine of other contraband or  
14      drugs.

15      BY MR. LUCAS:

16      Q.     So telephone bill, not phone?

17      A.     Sir, she used the phone to order meth.

18      Q.     Doesn't say phone though, does it?

19      A.     She used it to order meth.

20      Q.     That's not the question. So if it doesn't say  
21      phone, that means you unlawfully seized her phone,  
22      as well?

23      A.     Sir, he used -- she used that to order  
24      methamphetamine.

25      Q.     You had a chance to test that by getting phone

1 records from Tara Thomason and you didn't do that?

2 A. Did not.

3 Q. You could've tested her whole story to see if  
4 she's telling the truth?

5 A. She gave us -- she gave the officer at the ---

6 Q. And you didn't test it?

7 THE COURT: Well, let -- let him answer the  
8 question. Go ahead and answer your question and  
9 then ---

10 THE WITNESS: No. I did not obtain any  
11 information on it.

12 MR. LUCAS: Thank you. Nothing further.

13 THE COURT: All right. Since I allowed him,  
14 I'll give you a chance.

15 MS. HUCKER: I have nothing further, Judge.

16 THE COURT: Thank you. You can step down.

17 (Witness excused.)

18 THE COURT: You can call your next witness.

19 MS. HOLAHAN: Your Honor, the State calls  
20 Jeremy Pickens.

21 (Witness approached.)

22 THE CLERK: If you'll step forward and raise  
23 your right hand.

24 THE WITNESS: (Complying.)

25 THE CLERK: Do you solemnly swear or affirm the

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1 testimony you give this Court is the truth, the  
2 whole truth, and nothing but the truth?

3 THE WITNESS: I do.

4 THE CLERK: Thank you. Please have a seat.

5 THE WITNESS: (Complying.)

6 THE CLERK: And if you would, please state your  
7 full name for the record and spell your last name.

8 THE WITNESS: Jeremy Pickens, P-i-c-k-e-n-s.

9 LIEUTENANT JEREMY PICKENS,  
10 having been produced and first duly sworn as a  
11 witness on behalf of the State, then testified as  
12 follows:

13 DIRECT EXAMINATION

14 BY MS. HOLAHAN:

15 Q. Lieutenant Pickens, where are you currently  
16 employed?

17 A. Anderson County Sheriff's Office.

18 Q. And what is your position there?

19 A. I'm currently a lieutenant of special  
20 operations.

21 Q. Was that your position in March of 2018?

22 A. No, ma'am. I was corporal at the time of  
23 special operations.

24 Q. I'm sorry. You were what?

25 A. At the time I was a corporal in the special

1 operations.

2 Q. With the sheriff's office?

3 A. That's correct.

4 Q. And what were your duties and responsibilities  
5 at that time in 2018?

6 A. At the time I was assigned to a street  
7 narcotics unit. I assisted our sergeant and  
8 supervisor in the unit for day-to-day operations.

9 Q. On March 12, 2018, did you have occasion to go  
10 to [REDACTED] Fairlane Drive?

11 A. Yes, ma'am.

12 Q. For what reason did you go there?

13 A. I went to assist other units within special  
14 operations in the execution of a search warrant.

15 Q. Did you arrive to the residence before or after  
16 the search warrant?

17 A. I believe I arrived before the search warrant  
18 arrived.

19 Q. And what did you do when you first arrived on  
20 the residence?

21 A. I met with the other officers that were on  
22 scene and we stood by until the search warrant  
23 arrived on scene.

24 Q. Once the search warrant did arrive, what did  
25 you do at that point?

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1       A.    When the search warrant arrived, I was  
2       responsible for photographing the scene, so I just  
3       photographed the search warrant first and then the  
4       exterior of the house, the interior of the house,  
5       and all occupants that were on the scene when we  
6       arrived.

7       Q.    Is that proper protocol to take pictures when a  
8       search warrant is being executed?

9       A.    Yes, ma'am, it is.

10      Q.    What all do you take photographs of? You said  
11      you start with the outside of the house?

12      A.    We like to start with copying the search  
13      warrant, so we photograph the search warrant.

14            From there, we photograph the structure from  
15      the exterior from all angles and we go inside  
16      usually. Whatever entrance issues, we'll photograph  
17      going in, and do overall of each room as we move  
18      throughout the house.

19      Q.    Besides taking photographs, did you actually  
20      participate in the search?

21      A.    Yes, I did.

22      Q.    And is there a specific area that your search  
23      was focused in or you're trying to go through  
24      certain areas?

25      A.    I started in what I believe we had labelled as



1 room one. I believe that was the master bedroom of  
2 the house.

3 Q. And what, if anything, did you find during the  
4 search of bedroom one?

5 A. During the search, I located a red bag. It was  
6 located under the mattress in the room of -- under  
7 the -- I located that bag under the mattress in the  
8 bedroom.

9 Q. I'm going to show you what have been premarked  
10 as State's Exhibits 9 through 12 for identification,  
11 as well as Exhibit 20 for identification.

12 Lieutenant Pickens, I'm going to show you a  
13 couple of photographs. Let me know if you recognize  
14 these photographs.

15 A. Yes, ma'am.

16 Q. Okay. And, generally, what are those  
17 photographs?

18 A. This photograph is from the exterior.

19 Q. Don't show it to the jury.

20 A. Oh, sorry.

21 Q. Just looking that.

22 A. The one photograph is from the exterior of the  
23 residence.

24 Another photograph is an interior photograph.  
25 And there are four photographs that show the red bag

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1           that I located.

2           Q.     Are these a true and accurate representation of  
3           the scene as you remember it?

4           A.     Yes, ma'am.

5           Q.     And are these, in fact, photos that you took?

6           A.     Yes, ma'am.

7           Q.     Okay. Do they appear to have been altered or  
8           changed in any way?

9           A.     No, ma'am.

10           MS. HOLAHAN: Your Honor, at this time I move  
11           to admit State's Exhibits 9 through 12 into  
12           evidence.

13           THE COURT: Any objection?

14           MR. LUCAS: Your Honor, we would renew our same  
15           objections as to 9 and 12 as being the fruit of an  
16           unlawful seizure. That's made under the Fourth  
17           Amendment, Article 1, Section 10, of the South  
18           Carolina Constitution in *Fountain v. Elijah*.

19           THE COURT: Okay. That's overruled. Okay. Go  
20           ahead. They're admitted.

21           (State's Exhibit Nos. 9 through 12 was received  
22           into evidence.)

23           MS. HOLAHAN: Okay. And, Your Honor, I also  
24           seek to admit State's Exhibit 19 and 20 into  
25           evidence, as well.

1 MR. LUCAS: Those are without objection, Judge.

2 THE COURT: Without?

3 MR. LUCAS: They don't show any drug evidence,  
4 so we don't have a problem with those.

5 THE COURT: Okay.

6 (State's Exhibit Nos. 19 and 20 was received  
7 into evidence.)

8 BY MS. HOLAHAN:

9 Q. Lieutenant Pickens, I'm going to show you what  
10 was admitted a State's Exhibit 19. Can you please  
11 explain to the jury what this is a photograph of?

12 A. That's a photograph of the exterior of the  
13 residence.

14 Q. Okay. And is this [REDACTED] Fairlane Drive?

15 A. Yes.

16 Q. Next, I'm showing you what was admitted as  
17 State's Exhibit 20. What is this a photograph of?

18 A. That would be a photograph of the interior of  
19 what we had in bedroom one.

20 Q. And is this the room that you searched on your  
21 execution of the search warrant?

22 A. Yes. I believe so.

23 Q. Next is State's Exhibit 9. What is this a  
24 photograph of?

25 A. That's a photograph of the mattress lifted.

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1 This is the box spring and the red bag that I  
2 located.

3 Q. And are you able to recognize what this blue  
4 bag is right here?

5 A. I don't exactly recall that.

6 Q. Showing you what has been admitted as State's  
7 Exhibit 11. Can you tell us what this is?

8 A. At this point, I had unzipped the bag and  
9 that's the interior of the ---

10 MR. LUCAS: Your Honor, we'd make the same  
11 objection for purposes of the record. It's the same  
12 as the last one as being the fruits of an unlawful  
13 seizure.

14 THE COURT: Okay. Overruled. Go ahead.

15 BY MS. HOLAHAN:

16 Q. This is Exhibit 10.

17 A. Yes. That's the interior photograph of that  
18 same bag.

19 MR. LUCAS: And, again, Your Honor. For  
20 purposes of the record, same objection.

21 THE COURT: Okay. Overruled.

22 MR. LUCAS: Thank you, Judge.

23 BY MS. HOLAHAN:

24 Q. And Exhibit 12?

25 A. At the time I had removed the contents of the

1 red bag and that -- this Ziploc bag was located  
2 inside that bag.

3 MR. LUCAS: Same objection, Judge, as being the  
4 fruit of an unlawful seizure.

5 THE COURT: Sure.

6 MR. LUCAS: I assume that's overruled?

7 THE COURT: Yeah, it's overruled.

8 MR. LUCAS: Thank you.

9 BY MS. HOLAHAN:

10 Q. You took pictures of all those items. Did you  
11 actually collect them from underneath the bed?

12 A. Yes. I collected them and gave them to the  
13 detective that was on scene collecting all items  
14 that were found.

15 Q. Okay. And besides those items that we've  
16 already talked about, did you find anything else at  
17 the house?

18 A. No, ma'am.

19 Q. And besides coming here to testify, have you  
20 had any other involvement in this case?

21 A. No, ma'am.

22 MS. HOLAHAN: I have no further questions.

23 THE WITNESS: Thank you.

24 CROSS-EXAMINATION

25 BY MR. OPPERMAN:

1 Q. Just briefly. To your knowledge, was the red  
2 medicine bag you described ever checked for  
3 fingerprints?

4 A. Not that I'm aware of.

5 Q. Okay. And it wasn't checked for DNA?

6 A. Not that I'm aware of.

7 Q. And the Ziploc bag on the inside, that wasn't  
8 checked for fingerprints?

9 A. I can't say.

10 Q. And it wasn't checked for DNA?

11 A. No, sir. Not that I'm aware of.

12 MR. OPPERMAN: All right. Thank you. Nothing  
13 further.

14 THE COURT: All right. Anything on redirect?

15 MS. HOLAHAN: No redirect, Your Honor.

16 THE COURT: Thank you, sir. You can step down.  
17 You're released from your subpoena.

18 THE WITNESS: Thank you, Judge.

19 (Witnessed excused.)

20 MS. HOLAHAN: The State calls Ronald Wood next.

21 (Witness approached.)

22 THE CLERK: If you'll please step forward and  
23 raise your right hand.

24 THE WITNESS: (Complying.)

25 THE CLERK: Do you solemnly swear or affirm the

1 testimony you give this Court is the truth, the  
2 whole truth, and nothing but the truth?

3 THE WITNESS: I do.

4 THE CLERK: Please have a seat in the witness  
5 chair.

6 THE WITNESS: (Complying.)

7 THE CLERK: And if you would, please state your  
8 full name for the record and spell your last name.

9 THE WITNESS: Ronald Wood, W-o-o-d.

10 DETECTIVE RONALD WOOD,  
11 having been produced and first duly sworn as a  
12 witness on behalf of the State, testified as  
13 follows:

14 DIRECT EXAMINATION

15 BY MS. HOLAHAN:

16 Q. Detective Wood, where are you currently  
17 employed at?

18 A. Anderson County Sheriff's Office.

19 Q. And what is your position with the sheriff's  
20 office?

21 A. I am a detective in the narcotics  
22 investigations unit.

23 Q. How long have you been a detective with the  
24 narcotics unit?

25 A. Almost three years.

1 Q. And what are your duties and responsibilities  
2 on that unit?

3 A. We conduct narcotics investigations.

4 Q. Were you conducting an investigation on March  
5 12, 2018?

6 A. Yes, ma'am.

7 Q. And did you have occasion to go to [REDACTED] Fairlane  
8 Drive?

9 A. Yes, ma'am, I did.

10 Q. For what reason did you go there?

11 A. Went there to secure the property and residence  
12 and waited till a search warrant was retrieved.

13 Q. So did you arrive at that residence prior to  
14 the search warrant?

15 A. Yes, ma'am, I did.

16 Q. What did you do when you got to that residence?

17 A. I secured the back door and the back yard,  
18 searching for people.

19 Q. So when you said you secured it, what do you  
20 mean exactly?

21 A. Just checking to see if anybody was there. Did  
22 not locate anybody in the back yard or the back  
23 door.

24 Q. And what did you do once the search warrant did  
25 arrive?



1 A. When the search warrant arrived, I read it  
2 allowed to Nancy, Roy, Steven, and Julie in the  
3 living room/den area. It's one big area, so, I  
4 mean, a living room/den is what I would call it.

5 Q. So to your knowledge, the people that were  
6 found inside the house were all collected into one  
7 room?

8 A. Yes, ma'am.

9 Q. And then you read them the search warrant in  
10 that room?

11 A. Yes, ma'am.

12 Q. Can you explain the process of executing a  
13 search warrant?

14 A. Yes, ma'am. It's read. And then after it's  
15 read, you have someone that collects evidence. You  
16 have someone that photographs evidence of the entire  
17 property and the residence itself. Then you also  
18 have people that search the residence and property.

19 Once somebody locates something, they ask for a  
20 camera. The photographer comes and photographs the  
21 evidence. The evidence is brought to the collector,  
22 which in this instance was me. And at that time, it  
23 was placed in evidence by a marked evidence bag with  
24 the item number and wrote on a search inventory.

25 Q. So your role during the execution of the search

1 warrant was to be the collector of the evidence?

2 A. Yes, ma'am.

3 Q. Do you have a process for how you go about  
4 collecting evidence?

5 A. Yes, ma'am. Once I -- once they find  
6 something, it's photographed and it's brought to the  
7 collector. It's brought -- their search inventory  
8 form that we fill out has the item number, the  
9 description of what the property is, where the --  
10 where the item was found, who it was found by, the  
11 time it was found.

12 And then the collector, which would be me, and  
13 where it was transported from the scene back to our  
14 office where it was transported. It's placed in a  
15 bag, the evidence. The item number is written on  
16 the evidence bag that matches up with the search  
17 inventory.

18 Q. I'm going to show you what was premarked as  
19 State's Exhibit 1. Detective Wood, do you recognize  
20 that document?

21 A. Yes. That is the search inventory I completed  
22 that night.

23 Q. And is that -- that's a copy or is that the  
24 original? Do you know?

25 A. It appears to be the original. Once I get done

1 with it, I hand it to the case agent, which on this  
2 instant, Detective Acevedo. But just looking at it,  
3 it don't -- I mean, I don't know. It looks to be  
4 the original. I'm not sure.

5 Q. Okay. Does it appear to have been altered in  
6 any way?

7 A. No, ma'am.

8 Q. And you don't see any changes that are made  
9 besides what you wrote on that night?

10 A. No, ma'am.

11 Q. And is this something that you keep in the  
12 ordinary course of executing a search warrant?

13 A. Yes, ma'am.

14 MS. HOLAHAN: Your Honor, at this time we ask  
15 that State's Exhibit 1 be admitted into evidence.

16 THE COURT: Any objection?

17 MR. LUCAS: Your Honor, I'm going to object to  
18 the admission. I don't think it's appropriate to  
19 admit it as a business records exception. The  
20 sheriff's department is not a business.

21 THE COURT: Ladies and gentlemen, I need to  
22 send you out just for about five minutes. Don't  
23 discuss the case.

24 (At 3:44 p.m., jury left the courtroom.)

25 THE COURT: You're talking about introducing

1 THE COURT: And you know a redaction would just  
2 be a line through a copy?

3 MR. LUCAS: Yes, sir.

4 THE COURT: Okay.

5 (At 4:02 p.m., jury entered the courtroom.)

6 BY MS. HOLAHAN:

7 Q. Detective Wood, let's go back for a few  
8 questions. So as part of the search warrant  
9 execution, you were in charge of collecting the  
10 evidence, correct?

11 A. Yes, ma'am.

12 Q. And as the evidence collector, you fill out  
13 something called a search inventory, correct?

14 A. That is correct, ma'am.

15 Q. All right. You've already looked at this, but  
16 this is State's Exhibit 1. This was admitted. This  
17 is the search inventory that you completed on  
18 March 12th, correct?

19 A. Yes, ma'am.

20 MS. HOLAHAN: Your Honor, permission to publish  
21 to the jury?

22 THE COURT: Any objection?

23 MR. LUCAS: Not at this time, Your Honor.

24 BY MS. HOLAHAN:

25 Q. Now, Detective Wood, I have this up here. You

1       should be able to see it on your screen. And I  
2       would just like for you to explain this to the jury  
3       so they can understand what they are looking at. So  
4       let's start up here at the top. What is this number  
5       here?

6       A.     That is the case number of the incident when  
7       the report is done.

8       Q.     All right. And the date?

9       A.     Day is -- yes, ma'am. The date, 3/12/18, is  
10      when this occurred.

11      Q.     All right. And then over here, it has certain  
12      page numbers?

13      A.     Right. It's page one of two. And it should be  
14      two pages.

15      Q.     So let's go down into the body of the chart.  
16      Going to zoom in a little bit if I can. So can you  
17      explain what this first box is here?

18      A.     Okay. The first box is item number. You got  
19      nondrug items, drug items. And it's all that's on  
20      the front page there.

21      Q.     So (ND) stands for nondrug?

22      A.     That is correct.

23      Q.     And (D) stands for drug?

24      A.     Yes, ma'am.

25      Q.     All right. Is there a particular order in

1 which these are listed onto this search inventory?

2 A. They are listed as they get brought to me when  
3 they found them. If you bring -- like the black  
4 silver vault is ND-1. The next nondrug item was  
5 ND-2. The next nondrug item was ND-3. It goes in  
6 order.

7 Q. Okay. Now ---

8 A. It reflects the time also.

9 Q. Okay. So these are the times that you  
10 collected them?

11 A. That is correct.

12 Q. All right. And then "found by" indicates?

13 A. Who -- who found the evidence.

14 Q. All right. And then "collected by"?

15 A. Would be me. I collected everything except  
16 the -- on the second page, the very last item,  
17 Deputy -- Deputy Wood found it and collected the  
18 evidence found at the detention center by another.

19 Q. Okay.

20 A. It's just money.

21 Q. Thank you. Detective Wood, I'm showing you a  
22 few photographs. These are admitted as State's  
23 Exhibits 9, 10, 11, and 12. Do you recognize the  
24 images in these photos?

25 A. Yes, ma'am, I do.

1 Q. Okay. And what are those photographs of?

2 A. The photograph is of the Johnson and Johnson  
3 medical bag that D-3, D-4, and D-5 was found in.

4 Q. Okay.

5 A. And then also -- actually, D-3, which is the  
6 Ziploc bag, was inside of a paper bag inside of the  
7 Johnson and Johnson, but it's all collected that  
8 night.

9 Q. Okay. So you mentioned some "ND" numbers, so  
10 I'm going to put your search inventory back up. So  
11 if it says here ND-3 ---

12 A. Yes, ma'am.

13 Q. --- is that one of the items that you were  
14 talking about?

15 A. That is. In the first picture.

16 Q. Is this ND-3 right here?

17 A. That is correct, ma'am.

18 Q. Okay. And then this photograph here, is this  
19 also ND-3?

20 A. That's showing ND-3 and the brown thing in the  
21 middle was ND-4 in the paper bag.

22 Q. So on your search inventory you have, it says  
23 ND-3 ---

24 A. Yes, ma'am.

25 Q. --- medical bag?

1 A. ND-3 is a medical bag. Yes, ma'am. It was  
2 found under the bed in bedroom one.

3 And then ND-4 is the brown paper bag, which was  
4 found inside of ND-3, which ND-3 is the red bag, the  
5 Johnson & Johnson medical bag.

6 Q. Okay. And then if we go down to ND-3, what is  
7 that?

8 A. D-3?

9 Q. Oh, I'm sorry. D-3.

10 A. Yes, ma'am. It's the plastic Ziploc bag  
11 containing the methamphetamine, and it was located  
12 inside ND-4. So if you go back up to ND-4, which  
13 will be the brown paper bag.

14 Q. All right. And I'm showing you State's Exhibit  
15 11. What is that a picture of?

16 A. Again, that's the Johnson & Johnson bag, the  
17 paper bag, the Ziploc bag of methamphetamine, a  
18 small plastic baggy of methamphetamine, and a blue  
19 plastic bag. And it's got -- it has, I think, it's  
20 two and a half pills. It's in the blue thing there.

21 Q. Okay. Detective Wood, I'm showing you what's  
22 been premarked as State's Exhibit 13 for  
23 identification. Do you recognize this?

24 A. Yes, ma'am. It's the -- on the front here is  
25 the case number, item number, the date, submitted by



1 me. Also, the description is a red and black  
2 Johnson & Johnson medical bag.

3 Then go down is says barcode, but then I --  
4 when I had it sealed and initialled and dated. It's  
5 a medical bag, but it should be Johnson & Johnson  
6 red and black medical bag.

7 Q. Detective Wood, do you think you'll be able to  
8 get that bag open without a pair of scissors?

9 A. Yes, ma'am.

10 Q. Will you just look inside the envelope, but  
11 don't remove anything from it yet.

12 A. It is the red and white Johnson & Johnson  
13 medical bag.

14 Q. Okay. And I know it's hard to tell because  
15 it's inside the envelope, but is that -- is that the  
16 item that you collected?

17 A. Yes, ma'am.

18 Q. Okay. And where was that collected from again?

19 A. Under ---

20 Q. Would you look ---

21 A. Yes, ma'am. I was just making sure. Pretty  
22 sure it was under the bed in bedroom no. 1. Yes,  
23 ma'am. Under the bed in bedroom no. 1.

24 MS. HOLAHAN: Your Honor, at this time I ask  
25 that State's Exhibit -- State's Exhibit 13 be

1 admitted into evidence.

2 THE COURT: Any objection?

3 MR. LUCAS: Your Honor, that is the same  
4 objection as the fruit of an illegal warrantless  
5 seizure.

6 THE COURT: Okay. All right. Subject to those  
7 objections, it's admitted.

8 (State's Exhibit No. 13 was received into  
9 evidence.)

10 MS. HOLAHAN: All right. And, Your Honor,  
11 permission to publish to the jury?

12 THE COURT: Sure.

13 BY MS. HOLAHAN:

14 Q. Detective Wood, can you remove that from the  
15 envelope and just show the jury what is inside?

16 THE COURT: That's what I was looking at. I  
17 didn't want you to handle it. I thought you were  
18 going to give it to them.

19 MR. HOLAHAN: No, sir.

20 THE WITNESS: It's this.

21 MS. HOLAHAN: All right. Thank you.

22 THE WITNESS: No problem.

23 BY MS. HOLAHAN:

24 Q. Next, I'm showing you what was premarked as  
25 State's Exhibit 14. Are you able to identify what

1 State's Exhibit 14 is?

2 A. Let's see. Appears that ND-4, the date,  
3 submitted by me. And it should be the brown paper  
4 bag and also barcode by evidence as being the brown  
5 paper bag. Again, it's initialled and signed or  
6 initialled and dated on 3/12. So you want me  
7 to open it up and ---

8 Q. Yes, sir. Can you please take a look inside,  
9 but don't pull it out of the envelope yet.

10 A. All right. It is a brown paper bag.

11 Q. Does it appear to be in the same condition as  
12 when you collected it?

13 A. Yes, ma'am. It does.

14 MS. HOLAHAN: Your Honor, at this time we ask  
15 that State's Exhibit 14 be admitted into evidence.

16 THE COURT: Subject to the same objection?

17 MR. LUCAS: Your Honor, I assume that that  
18 objection is also overruled.

19 THE COURT: Yeah.

20 MR. LUCAS: Thank you.

21 (State's Exhibit No. 14 was received into  
22 evidence.)

23 MS. HOLAHAN: And, Your Honor, permission to  
24 publish to the jury?

25 THE COURT: Okay. Go ahead.

1 THE WITNESS: (Complying.)

2 BY MS. HOLAHAN:

3 Q. Thank you. Now, Detective Wood, once the items  
4 were collected and they were brought to you, you  
5 said that you filled out the search inventory?

6 A. Yes, ma'am.

7 Q. Where were those items of evidence kept while  
8 the search warrant was happening?

9 A. Right beside me.

10 Q. And where were you at the time?

11 A. I was sitting at the table. I mean, I call  
12 that the living room/den area, but I was sitting at  
13 the table.

14 Q. And you were -- you had control over them?

15 A. I did. Yes, ma'am.

16 Q. Once the search was over, what happened to  
17 those items?

18 A. Once the search is over, we carried the items  
19 collected to the special investigations division  
20 office, a secured facility, where the drugs was  
21 weighed and field tested and then they were placed  
22 in a best kit. And then once we got everything  
23 done, we carried the evidence to the evidence  
24 division and placed it in evidence.

25 Q. Backing up just a little bit. Can you describe

1        what a best kit is?

2        A.     Yes, ma'am.  It's a -- it's a kit that certain  
3        drugs go in so it can be sent to the  
4        Anderson/Oconee -- Anderson/Oconee --  
5        Anderson/Oconee Regional Forensics Laboratory to be  
6        tested.  And methamphetamine is one of them drugs  
7        that goes into a best kit.

8        Q.     So the items -- any of the substances collected  
9        from Fairlane you said that you packaged them into  
10       best kits?

11       A.     There are certain items that went in the best  
12       kit.  I don't think the pills went into the best  
13       kit.  I don't think they were charged with her.  
14       Deputy Acevedo didn't charge anybody, but the -- the  
15       methamphetamine, the D-3 and D-4, had gone into the  
16       best kit.

17       Q.     And what did you say you did with the best kit  
18       once you had it sealed in there?

19       A.     Once everything was done, myself and Detective  
20       Acevedo went to the evidence division where all  
21       evidence that I collected was placed into an  
22       evidence locker.

23       Q.     And is the evidence locker a safe and secure  
24       location?

25       A.     Yes, ma'am.

1 Q. And do you have access to it?

2 A. I have access to put stuff in there. I do not  
3 have access once the door is shut. It locks from  
4 the inside and only the evidence technician can open  
5 it and get stuff out the back side.

6 Q. Detective Wood, I'm showing you what was  
7 premarked as State's Exhibit 15 for identification  
8 purposes. Will you please take a look inside and  
9 let me know if you recognize the items?

10 A. Before I look in, again, it's got the case  
11 number. This is D-10. And it contains D-2, D-3,  
12 D-4, and D-6. It is marked by the evidence division  
13 as the best kit. And it is a best kit.

14 Q. All right. Is that the best kit of the  
15 methamphetamine that was collected at Fairlane  
16 Drive?

17 A. Can I pull it out? Sorry about that. I mean,  
18 it appears to be. If it is, it'll have my initials  
19 and my signature on it. I mean, it's sealed so I'm  
20 confident that it is, but to be 100 percent sure,  
21 I...

22 MS. HOLAHAN: Your Honor, is there any  
23 objection to him pulling out the best kit to further  
24 look at it?

25 MR. LUCAS: If he wants to pull it out, Judge,

1 I don't think I have a problem with that.

2 THE WITNESS: I mean, I'm confident that it is,  
3 but I just -- I mean...

4 MR. LUCAS: Yes. It's fine. Go ahead, please.

5 THE WITNESS: It's -- it is -- it is marked  
6 with the same signature. It's marked with the same  
7 evidence tag on the inside that's on the best kit,  
8 so it's it.

9 BY MS. HOLAHAN:

10 Q. And this was the best kit that you said that  
11 you took to the evidence locker, correct?

12 A. That is correct.

13 Q. And then once you put it on the evidence  
14 locker, have you had any other involvement with that  
15 best kit?

16 A. No, ma'am.

17 Q. And other than coming to testify today, have  
18 you had further involvement with this case?

19 A. No, ma'am.

20 MS. HOLAHAN: I have no further questions for  
21 you.

22 THE COURT: Anything on cross?

23 MR. LUCAS: We don't have any questions, Judge.

24 THE COURT: All right. Sir, you can step down.

25 (Witness excused.)

1 MS. HOLAHAN: The State calls Jan Robison.

2 (Witness approached.)

3 THE CLERK: If you would, please step forward  
4 and raise your right hand.

5 THE WITNESS: (Complying.)

6 THE CLERK: Do you solemnly swear or affirm the  
7 testimony you'll give this Court is the truth, the  
8 whole truth, and nothing but the truth?

9 THE WITNESS: I do.

10 THE CLERK: Thank you. Please have a seat in  
11 the witness chair.

12 THE WITNESS: (Complying.)

13 THE CLERK: And if you would, please state your  
14 full name for the record and spell your last name.

15 THE WITNESS: Janice Marie Robison,  
16 R-o-b-i-s-o-n.

17 JANICE ROBISON,  
18 having been produced and first duly sworn as a  
19 witness on behalf of the State, testified as  
20 follows:

21 DIRECT EXAMINATION

22 BY MS. HOLAHAN:

23 Q. Ms. Robison, where do you work?

24 A. Anderson County Sheriff's Office.

25 Q. And is there a certain division that you work



1 in?

2 A. I work in the evidence department.

3 Q. How long have you worked in the evidence  
4 department?

5 A. I've been in evidence a little over two years.

6 Q. And what is your title there?

7 A. Evidence technician.

8 Q. What are your duties and responsibilities as an  
9 evidence technician?

10 A. I log in evidence. I put barcodes in those and  
11 I store them in locked areas.

12 Q. How is the evidence stored?

13 A. It's stored in locked areas and ---

14 Q. And -- sorry.

15 A. We store it in different areas and different  
16 locations there in our department.

17 Q. Who has access to those stored areas?

18 A. Only evidence technicians.

19 Q. And you mentioned that you log evidence as part  
20 of your job. How do you keep track of evidence that  
21 comes into the evidence locker?

22 A. When we get the evidence in, we actually log it  
23 in the computer and we assign it a barcode. And so  
24 we put that specific barcode on that evidence.

25 Q. Generally, how does evidence come to be in the

1 evidence locker?

2 A. The deputies collect the evidence. They put it  
3 into the locker. And then us evidence technicians  
4 take those out, log it into the computer, and then  
5 put it in assigned locations based upon what item it  
6 is and log area is.

7 Q. Can you describe how the -- the locker works  
8 that you mentioned?

9 A. The locker is -- it's just a big locked box and  
10 the officer puts it inside there, closes the door,  
11 and we have a door that is locked. You go in there  
12 and those -- the evidence lockers are lock boxes.  
13 It's kind of like a cage, and that's locked as well.

14 Q. So once you remove it from the locker, you said  
15 you -- you log it in, you enter a code, and then you  
16 store it in different locations, correct?

17 A. That's correct. Yes, ma'am.

18 Q. Did you come into contact with any evidence  
19 related to this case against Nancy Carswell?

20 A. The only thing I did in this case is, I  
21 actually took the best kit to the lab and brought it  
22 back from the lab.

23 Q. Okay. And when you say you took it to the lab,  
24 you took it from where to the lab?

25 A. I actually picked it up from our storage locked

1 area. It's called the AOFL box. I pick it up from  
2 there, and then log it in the computer, and sign it  
3 out that I'm taking it over to the lab.

4 And so I did that. And then at a later date,  
5 we picked it up from the lab and brought it back and  
6 put it back in that same location.

7 Q. Ms. Robison, I'm going to show you what has  
8 been premarked as State's Exhibit 16 for  
9 identification purposes. Can you please take a look  
10 at it and tell me if you recognize it?

11 A. Yes, ma'am.

12 Q. And what is that?

13 A. That's just one of our lists of the evidence.

14 Q. Okay. And do you know what that list in  
15 evidence pertains to?

16 A. That is the case that we're here for today, and  
17 there's drugs. And like I said, the only thing that  
18 I did was the best kit.

19 Q. Do you see the best kit listed?

20 A. Yes, ma'am. It's up here and I noticed it's  
21 that by the barcode.

22 Q. And is this record something -- something that  
23 you make and keep in the course of regular conducted  
24 business?

25 A. That is correct.

1 MS. HOLAHAN: Your Honor, at this time we'd ask  
2 that State's Exhibit ---

3 MR. LUCAS: I need to look at it first.

4 MS. HOLAHAN: This is State's Exhibit 16.

5 MR. LUCAS: Okay.

6 MS. HOLAHAN: So, Your Honor, we ask that  
7 State's Exhibit 16 be admitted into evidence.

8 MR. LUCAS: Without objection.

9 THE COURT: Without objection.

10 (State's Exhibit No. 16 was received into  
11 evidence.)

12 BY MS. HOLAHAN:

13 Q. Ms. Robison, I'm also showing you what has been  
14 identified as State's Exhibit 15. If you would take  
15 a look at this envelope and the contents inside and  
16 let me know if you recognize it.

17 A. Okay.

18 Q. Ms. Robison, are you able to identify what that  
19 is?

20 A. Yes, ma'am. When it comes into our office, we  
21 put the barcode on that. It has the case number and  
22 it has the same exact barcode and case number on the  
23 package, as well.

24 Q. And what was inside of that envelope?

25 A. What's inside is just our best kit.

1 Q. The best kit. Okay. Are you able to recognize  
2 that best kit?

3 A. Yes, ma'am. Based upon the items on here, as  
4 far as the case number and the barcode.

5 Q. Okay. And you earlier testified that you took  
6 a best kit to our forensic lab. Is this the best  
7 kit that you took to the forensic lab?

8 A. That is correct. Yes, ma'am.

9 Q. And you're able to determine that based on the  
10 barcode?

11 A. Yes, ma'am.

12 MS. HOLAHAN: Your Honor, at this time the  
13 State moves to admit Exhibit 15 into evidence.

14 THE COURT: Any objection?

15 MR. LUCAS: Your Honor, we object on the basis  
16 that it's the fruit of an unlawful seizure and that  
17 it -- that that was done in violation of Fifth  
18 Amendment and Article 1, Section 10, of the South  
19 Carolina Constitution.

20 THE COURT: Okay. Subject to the other  
21 objections you made, overruled. Okay.

22 (State's Exhibit No. 15 was received into  
23 evidence.)

24 MS. HOLAHAN: Thank you, Your Honor.

25 BY MS. HOLAHAN:

1 Q. Ms. Robison, I'm going to ask that you open up  
2 the best kit, please. And this is for Exhibit 15.

3 A. Okay.

4 Q. Can you please find items labelled ND-3 and  
5 ND-4?

6 A. ND-3 and -4?

7 Q. I'm sorry. D-3 and D-4.

8 A. Oh, okay. D-3 and D-4. Here's the envelopes  
9 for D-3 and D-4.

10 Q. And are there -- are there corresponding drugs  
11 that go with those envelopes?

12 A. I never open up any of this stuff here. I  
13 never open up the best kits, so I'm not sure how the  
14 lab actually does that. Like I said, I never open  
15 up a best kit.

16 MS. HOLAHAN: I beg the Court's indulgence for  
17 one moment, please?

18 THE COURT: Okay.

19 MS. HOLAHAN: Your Honor, I have no further  
20 questions for Ms. Robison.

21 THE COURT: All right. Any questions?

22 MR. LUCAS: Could we have just a moment,  
23 please, Your Honor?

24 THE COURT: Sure.

25 CROSS-EXAMINATION

1 BY MR. OPPERMAN:

2 Q. Ma'am, thank you. I should just be a little  
3 bit. The items that Ms. Holahan has gone over with  
4 you, when did you first see those?

5 A. I don't have the dates in front of me, but I'm  
6 pretty sure it was like March the 22nd, 2018.

7 Q. And how did they come into your possession?

8 A. That's when I took it from the AOFL lab  
9 location and took it over to have it analyzed at the  
10 lab.

11 Q. Was that a locker you got it out of? Is that  
12 what you said?

13 A. It's a locked room ---

14 Q. Okay.

15 A. --- and it's a storage area. It's our vault  
16 and all that stuff, and we call it our AOFL bin. We  
17 store it on a shelf in a bin ---

18 Q. Okay.

19 A. --- behind locked doors in our vault.

20 Q. And was that best kit open or closed when it  
21 first came in your possession?

22 A. We always have sealed. We do not accept  
23 anything that's not sealed.

24 Q. So it wasn't open?

25 A. No. It was not. It was sealed.

1 MR. OPPERMAN: All right. Thank you.

2 THE COURT: Anything on redirect?

3 MS. HOLAHAN: No redirect, Your Honor.

4 THE COURT: All right. Thank you, ma'am. You  
5 can step down and be released.

6 (Witness excused.)

7 MS. HUCKER: The State rests, Your Honor.

8 THE COURT: All right. Ladies and gentlemen,  
9 the State has rested, which means they've presented  
10 the evidence they're going to present. At this  
11 point in any trial, I have to take a 15-minute break  
12 to hear motions.

13 Y'all, come up here for a second, please.)

14 (Sidebar discussion.)

15 THE COURT: Okay. Ladies and gentlemen, if you  
16 would go back and let me hear these motions. Please  
17 don't discuss this case.

18 We'll bring you back in for one more witness,  
19 and then we'll let you go for the day. And then  
20 tomorrow we'll do the closing arguments and my jury  
21 charge.

22 (At 4:30 p.m., jury left the courtroom.)

23 THE COURT: Okay. Any motions?

24 MR. LUCAS: Yes, Your Honor. The defense would  
25 move for a directed verdict on the charge of



1       trafficking methamphetamine, 100 to 200 grams, on  
2       the basis that there has not been sufficient  
3       evidence to convict.

4               And elaborating more specifically on the  
5       grounds, there's not been sufficient credible  
6       testimony to show that Nancy Carswell was in  
7       possession of more than 80 grams of drugs or to get  
8       over the hurdle of constructive possession since  
9       there are four people in that room.

10              Your Honor, also, we would renew all of our  
11       objections and our motions from yesterday and make  
12       reference to the arguments regarding the -- all of  
13       the drug evidence, the statement, the photographs of  
14       nondrug evidence. Essentially, everything that's  
15       been introduced, Your Honor.

16              We take the position it's the fruit of an  
17       unlawful entry and seizure. And that because it's a  
18       fruit of a Fifth Amendment or a Fourth Amendment  
19       violation, a violation of Article 1, Section 10, of  
20       the South Carolina Constitution and also a violation  
21       of the Fifth Amendment, Fourteenth Amendment, and a  
22       violation of *Brown v. Illinois*, so -- and its  
23       progeny. So we're renewing that motion as well and  
24       that's the basis of the motion.

25              THE COURT: Okay. All right. Well, obviously,

1 on the directed verdict motion, I think there's been  
2 sufficient evidence produced to overcome the  
3 directed verdict motion and send this case to the  
4 jury, so I'll deny that.

5 Y'all take a break and who are you calling?

6 MR. LUCAS: Just Matt McDonald.

7 THE COURT: Okay.

8 MR. LUCAS: He's outside and has been waiting  
9 patiently.

10 THE COURT: All right. I think -- let's give  
11 them a chance to all use the restroom and then we'll  
12 bring them right back in.

13 (From 4:32 to 4:49 p.m., recess.)

14 THE COURT: All right. You can bring them in.

15 THE BAILIFF: (Complying.)

16 (At 4:49 p.m., jury entered the courtroom.)

17 THE COURT: Ladies and gentlemen, I understand  
18 y'all are all tired. I am too. They're trying to  
19 finish up this last witness so that'll be all the  
20 witnesses that you'll hear. And then like I said,  
21 we will have closing arguments and the jury charge  
22 tomorrow.

23 All right. Yes, sir. You can call your first  
24 witness.

25 MR. LUCAS: Your Honor, the defense calls Matt

1 McDonald.

2 THE COURT: Okay.

3 (Witness approached.)

4 THE CLERK: Step forward and raise your right  
5 hand.

6 THE WITNESS: (Complying.)

7 THE CLERK: Do you solemnly swear or affirm the  
8 testimony you give this Court is the truth, the  
9 whole truth, and nothing but the truth?

10 THE WITNESS: I do.

11 THE CLERK: Thank you. Please have a seat in  
12 the witness chair.

13 THE WITNESS: (Complying.)

14 THE CLERK: And if you would, please state your  
15 full name for the record and spell your last name.

16 THE WITNESS: It's Matthew McDonald. The last  
17 name is spelled M-c-D-o-n-a-l-d.

18 DEPUTY MATTHEW MCDONALD,  
19 having been produced and first duly sworn as a  
20 witness on behalf of the Defendant, testified as  
21 follows:

22 DIRECT EXAMINATION

23 BY MR. LUCAS:

24 Q. Mr. McDonald, do you work for the Anderson  
25 County Sheriff's Office?

1 A. I do.

2 Q. And will you tell the jury what you do there?

3 What is your job title?

4 A. So I'm a task force officer assigned to the  
5 Drug Enforcement Administration Office. I work as a  
6 liaison officer coordinating between Anderson County  
7 and the Federal Government taking cases from within  
8 the county as far as they can outside the county.

9 Q. And in your capacity -- or, well, in your work  
10 with that job, did you have an occasion to interview  
11 Tara Thomason on July 17th of 2019 with Detective  
12 Acevedo?

13 A. So I've interviewed Tara Thomason a number of  
14 times. That could be the date or it could not be.  
15 I would need a copy of the report.

16 MR. LUCAS: And I'll be happy to share it with  
17 you.

18 Your Honor, may I approach the witness, please?

19 THE COURT: Sure.

20 BY MR. LUCAS:

21 Q. Are you familiar with that report, Detective --  
22 or is it detective or...

23 A. You can just call me Matt.

24 Q. Are you familiar with the report, Matt? Thank  
25 you.

1 A. I am. Yes. That's -- I wrote this report at  
2 the DEA office in Greenville.

3 Q. And that report contains a description of a  
4 meeting with Ms. Thomason on July 17th of 2019?

5 A. Yes, it does.

6 Q. And if I may direct your attention to the  
7 paragraph marked paragraph no. 4. And without  
8 saying anything that Ms. Thomason said, will you  
9 agree with me that that paragraph describes her  
10 account of an alleged drug transaction on March 12th  
11 of 2018?

12 A. According to the first sentence, it is. Yes,  
13 sir.

14 Q. Okay. Take a minute and read over it, please,  
15 if you would?

16 A. (Complying.) Okay.

17 Q. And you would agree that that paragraph four  
18 contains details of an interview with Ms. Thomason  
19 about this alleged transaction on March 12th of  
20 2018?

21 A. Yes. It does contain details about the ---

22 Q. And ---

23 A. --- situation.

24 Q. I'm sorry. Are you finished? I didn't mean to  
25 interrupt you.

1 A. It does contain details about that situation.

2 Q. And you would agree with me that the report  
3 contains no mention of Ms. Thomason saying anything  
4 about seeing Nancy Carswell with a red medicine bag?

5 A. No. It does not.

6 Q. And you would also agree that the report  
7 contains no mention of Ms. Thomason saying that she  
8 saw an additional 28 grams of methamphetamine in a  
9 red medicine bag?

10 A. That's correct. Yeah, that -- that's correct.

11 MR. LUCAS: I don't have any further questions,  
12 Judge.

13 THE COURT: Anything on cross?

14 MR. LUCAS: Just briefly, Judge.

15 CROSS-EXAMINATION

16 BY MS. HUCKER:

17 Q. The report does, however, include some  
18 information about Ms. Thomason meeting with  
19 Ms. Carswell, correct?

20 A. That's correct. This report was wrote during  
21 an interview during which I sat in. And so key  
22 points to -- or what I assumed were key points to  
23 the interview were then documented in this report.  
24 It's really just a supplement to the previous  
25 interviews conducted.

1 Q. Okay. But the supplement does include  
2 information about Tara Thomason meeting with Nancy  
3 Carswell to do a drug deal?

4 MR. LUCAS: Your Honor, I'm going to object to  
5 this line of questioning in the sense that it's  
6 asking for what is in the report rather than what is  
7 not in the report. It's calling for hearsay. We  
8 used it solely for the non-hearsay purpose of  
9 impeachment. So I think continuing this line of  
10 questioning is not appropriate since it's asking for  
11 Ms. Thomason's statements.

12 THE COURT: Well, it's introduced. So I think  
13 she can ask it, but obviously no hearsay. Rephrase  
14 that question just so we're absolutely sure.

15 BY MS. HUCKER:

16 Q. Included in the report are details of a meeting  
17 between Ms. Thomason and Nancy Carswell?

18 MR. LUCAS: Your Honor, I'm going to object to  
19 that again because the report is contained. It's  
20 essentially one large statement of Ms. Thomason.  
21 It's not appropriate to have any of Ms. Thomason's  
22 testimony read in. She's already testified.

23 What I ask very simply of Mr. McDonald is  
24 what's not in the report. I think it would be  
25 appropriate for the Solicitor to ask about

1 omissions, but not to inquire of any statements by  
2 Ms. Thomason in the report. She's already been here  
3 and testified, Judge.

4 THE COURT: I'll allow that question. Go  
5 ahead.

6 MS. HUCKER: Thank you, Judge.

7 BY MS. HUCKER:

8 Q. It does include details, not saying what those  
9 details are of course, but the report does include  
10 the details of the meeting between Ms. Thomason and  
11 Nancy Carswell on March 12, 2018?

12 A. Very specifically.

13 MS. HUCKER: Thank you. That's all I have.

14 MR. LUCAS: Your Honor, I need to have one  
15 follow-up question.

16 THE COURT: Okay. That's fine. Yeah, you've  
17 got -- you're going to redirect.

18 REDIRECT EXAMINATION

19 BY MR. LUCAS:

20 Q. And just in the interest of full disclosure,  
21 the report would indicate that Roy Walters is also  
22 present?

23 A. Absolutely.

24 MR. LUCAS: Okay. Nothing further, Your Honor.  
25 Thank you. Mr. McDonald can be excused.



1           THE COURT: Thank you, sir. You can be excused  
2 from any subpoena.

3           (Witness excused.)

4           MR. LUCAS: Your Honor, that's the extent of  
5 the defense case. The defense rests.

6           THE COURT: All right. Anything on rebuttal  
7 from the State?

8           MS. HUCKER: Nothing, Your Honor.

9           THE COURT: Okay. All right. Ladies and  
10 gentlemen, you've heard all the testimony that  
11 you're going to hear in this case. As I said,  
12 tomorrow is more a matter of trying to juggle a  
13 couple of things. And rather than having you sit  
14 back in that small room and wait, I know for a fact  
15 that I have two matters to attend that have nothing  
16 to do with this case that will take an hour. I've  
17 got about ten minutes that I'll have to handle this  
18 case, so if you would, come in at 11:00.

19           We will immediately bring you in. You'll hear  
20 the closing arguments from the lawyers. Charges,  
21 over the years, have been -- and what I -- have been  
22 notoriously long. And I have been doing everything  
23 I can for the last 17 years to reduce some of the  
24 extraneous language.

25           This jury charge, I will have to read to you

1           THE COURT: Okie doke. I'll see y'all in the  
2 morning.

3           MR. LUCAS: Your Honor, we just have to renew  
4 our directed verdict motion again.

5           THE COURT: Yeah, you can do it now.

6           MR. LUCAS: And it's the same motion that was  
7 made 20 minutes ago, Your Honor. We're moving for a  
8 directed verdict based on the insufficiency of the  
9 evidence that would show possession of more than 100  
10 grams of methamphetamine.

11           We would incorporate what that -- all the  
12 previous objections and motions, including motions  
13 that were made in limine and would renew our  
14 argument that the drug evidence, statement, any  
15 other evidence deriving from the home is a fruit of  
16 an unlawful seizure of Ms. Carswell violating the  
17 Fourth Amendment and Article 1, Section 10, of the  
18 South Carolina Constitution, including the privacy  
19 provisions.

20           And we would also argue that admission of the  
21 statement is violating Ms. Carswell's Fifth, Sixth,  
22 and Fourteenth Amendment rights. And we'd  
23 incorporate our brief into all of these arguments,  
24 including those made by Mr. Opperman about the  
25 statement.

1           THE COURT: And your brief was made and was  
2 introduced into evidence, right?

3           MR. LUCAS: It was entered into evidence as a  
4 Court's exhibit, Your Honor.

5           THE COURT: Okay. All right. Well, those are  
6 denied again.

7           MR. LUCAS: Thank you.

8           THE COURT: You did the best you can with what  
9 you've got.

10          MS. HUCKER: And, Judge, at this time we do  
11 have an order for a bench warrant for Ms. Carswell.

12          THE COURT: Yeah. I'm going to give you the  
13 charge. I think this is just -- it's the simplest  
14 charge we've had in awhile because we only have one  
15 charge. I really have been trying to reduce them.  
16 I've watched jurors zone out too many times, so I've  
17 taken out a lot of the language that's just sort of  
18 legal gibberish. Here's your bench warrant. But  
19 I'll be happy to go -- we'll go over that on the  
20 record tomorrow.

21          MR. LUCAS: So, Your Honor, we're going to do  
22 the charge conference tomorrow morning? Is that ---

23          THE COURT: Yeah, after I do my two pleas. I  
24 think one has -- I think one of these pleas has a  
25 significant number of victims, so be here by 11:00.

1           But, again, if at any time during the course of  
2 closing arguments or my charge, because you've been  
3 so patient, raise your hand if you need a break.  
4 Normally, once I start the charge, I don't take a  
5 break, but, again, you have been sort of rung  
6 through the ringer time-wise, so just catch my  
7 attention if you need a break and we'll be happy to  
8 take it.

9           But we are now at the point where it's time for  
10 the lawyers to do their closing arguments. So if  
11 you could, pay close attention to them. And  
12 understand, again, because I want to reiterate to  
13 you, the delays this morning have not been their  
14 fault. This courtroom was full of other people that  
15 had nothing to do with this case.

16           All right. Yes, ma'am.

17           MS. HUCKER: May it please the Court?

18           THE COURT: Yes, ma'am.

19           MS. HUCKER: Good morning, ladies and  
20 gentlemen. Thank you so much for your patience. We  
21 really do appreciate you being here. I know it's  
22 been a stop-and-go kind of week, but we're at the  
23 very end and we are almost there. I promise. I  
24 just ask that you bear with us just a little bit  
25 longer.

1           Nancy Elaine Carswell or Nancy Elaine Driver,  
2           Elaine Driver as some people know her, is on trial  
3           because she was found to be in possession between 1  
4           and 200 grams of methamphetamine. It was found in a  
5           first aid kit in the home where she was staying on  
6           March 12, 2018.

7           Now, before I begin explaining the law, I want  
8           to make one thing very clear. I'm going to explain  
9           the law. Mr. Lucas is going to explain the law.  
10          And then the judge, as he just said, is going to  
11          read the law to you. If anything that I say or  
12          Mr. Lucas says differs from what the judge says, the  
13          man in the black robe is the one that you listen to.  
14          He is in charge. What his law, the law that he  
15          reads, is the law that you are to follow.

16          Now, for someone to be found guilty of  
17          trafficking methamphetamine between 100 and  
18          200 grams, there are three things that must be  
19          proven. My co-counsel told you that at the  
20          beginning. We have to prove that they possessed a  
21          substance that was methamphetamine and that it  
22          weighed between 100 and 200 grams.

23          Now, this is what the judge is going to read  
24          you. That does not just say "possession." So I  
25          write that up there because, you know, some people

1 are visual people. I'm a visual person. It's  
2 easier for me to explain when I can see it. So what  
3 the State has to prove is that Nancy Carswell  
4 knowingly sold or manufactured or cultivated,  
5 delivered, purchased, brought into the state,  
6 provided financial assistance or otherwise aided,  
7 abetted, attempted, or conspired to sell,  
8 manufacture, cultivate, deliver, purchase, or bring  
9 into the state, or was knowingly in actual or  
10 constructive possession of methamphetamine.

11 Now, it is not necessary for the State to prove  
12 that she did all of those things. We're not trying  
13 to prove that she manufactured methamphetamine.  
14 We're not trying to prove that she cultivated it or  
15 delivered it to anyone.

16 For you to find Nancy Carswell guilty beyond a  
17 reasonable doubt of trafficking methamphetamine, the  
18 State needs only to prove one of those things.  
19 However, I submit to you that we have proven three;  
20 that she purchased, that she conspired to purchase,  
21 and that she was knowingly in constructive  
22 possession of methamphetamine.

23 These are the other two elements: A substance  
24 has to be confirmed by chemical analysis to be  
25 methamphetamine and that the methamphetamine has to

1 weigh more than 100 grams.

2 Now, the judge told you at the beginning that  
3 the State has the burden of proving each of those  
4 elements to you beyond a reasonable doubt. That is  
5 my job. That is our job. No one else's. The judge  
6 told you at the beginning that Nancy Elaine Carswell  
7 is cloaked in a robe of righteousness and that that  
8 robe cannot be removed until you find her guilty  
9 beyond a reasonable doubt.

10 So what is reasonable doubt? Doubt --  
11 reasonable doubt is reasonable doubt that would  
12 cause a person to hesitate to act. It does not mean  
13 beyond all doubt. There are very few things in this  
14 world that we can be 100 percent certain of.  
15 There's no camera in the room where Nancy Carswell  
16 is alleged to have bought these drugs, to have  
17 possessed these drugs. We can't get in a time  
18 machine go back and watch her buy those drugs.

19 What it means is that you are firmly convinced  
20 of her guilt, that you have no serious doubts about  
21 her guilt. And if you are firmly convinced, and I  
22 believe you will be, you must take that robe of  
23 righteousness from Nancy Carswell and find her  
24 guilty of trafficking.

25 So I want to go through each of the elements

1 with you one by one. I'm going to ask that you bear  
2 with me, like I said, just a little longer, but I'm  
3 going to start with the easiest two. The easiest  
4 two are the second two, that the substance is  
5 methamphetamine and that the substance weighs more  
6 than 100 grams.

7 So how has the State proven that to you beyond  
8 a reasonable doubt? How are you firmly convinced of  
9 those two elements? Well, for the substance being  
10 methamphetamine, you heard from forensic chemist  
11 Karen Bowen. She was qualified as an expert in her  
12 field. She ran chemical tests on the substances  
13 that are here in the courtroom today. She said that  
14 she's performed over 10,000 analyses in her career.  
15 She is a professional. She knows what she's about  
16 and she testified to you that the substance that she  
17 tested was methamphetamine.

18 Now, we also know, although not from a chemical  
19 standpoint, we know from the perspective of Tara  
20 Thomason who is a self-admitted methamphetamine  
21 dealer. We know that she sold methamphetamine and  
22 we know that she smoked methamphetamine. So based  
23 on those two things, we know that the substance  
24 tested in this case is methamphetamine.

25 We also know that it weighs more than 100



1        grams. The forensic chemist, Karen Bowen, testified  
2        to that. She said that she weighed on instruments  
3        that are calibrated every morning and then  
4        recalibrated again by an outside agency twice a year  
5        just to make sure that those scales are exact. So  
6        we know based on Karen Bowen's testimony that the  
7        methamphetamine in this case weighed 139 grams.

8                Now, again, from an unscientific perspective,  
9        we have testimony from Tara Thomason. She said that  
10       she sold approximately 80 grams of methamphetamine  
11       to Nancy Carswell. And she guessed that there was  
12       approximately already 28 grams of methamphetamine in  
13       that first aid kit. That would be about 108 grams  
14       that she saw with her own eyes Nancy Carswell  
15       possess.

16               Now, the question becomes, how do you know that  
17       the methamphetamine that Karen Bowen tested is the  
18       methamphetamine that officers found at [REDACTED] Fairlane  
19       Drive on the night of March 12, 2018? And I'm going  
20       to show you. I'm going to ask that you follow the  
21       trail.

22               So when officers made entry into this house,  
23       they performed a search warrant. Detective Pickens,  
24       whose you heard testimony from, took photos. And  
25       what he found in the bedroom where Nancy Elaine

1        Carswell was located with Roy Walters was this. He  
2        found a red and black medical bag. When he opened  
3        that medical bag and photographed it, he found a  
4        brown paper bag. When he opened that brown paper  
5        bag, he found methamphetamine. He found this  
6        methamphetamine.

7                Now, what did he do with it? He testified that  
8        he gave it to Detective Wood. How do you know that  
9        he gave it to Detective Wood? Because Detective  
10       Wood wrote it down on the search inventory. He  
11       wrote down that a red and black Johnson & Johnson  
12       medical bag was found under the bed in bedroom no. 1  
13       at 11:03 p.m. by Corporal Jeremy Pickens. And he  
14       labelled that piece of evidence ND-3, nondrug  
15       evidence no. 3.

16               Inside ND-3, he found a brown paper bag and  
17       labelled that ND-4.

18               Inside ND-4, he found that Ziploc bag  
19       containing methamphetamine and labelled that D-3.

20               Again, inside ND-3, so back inside the black  
21       Johnson & Johnson medical bag, he found a plastic  
22       baggy containing methamphetamine. So D-3 and D-4  
23       were the two pieces of drug evidence that were  
24       located inside of the Johnson & Johnson medical bag  
25       that I just showed you photographs of.

1           So what happened after it left here? You heard  
2 Detective Wood say that when he was on the scene, he  
3 put them in evidence bags. He put them in these  
4 evidence bags. How do we know it was these? You  
5 can see on the bottom of the bag it has the case  
6 number, that it's Item D-3. It was collected on  
7 3/12/2018 by Detective Ronald Wood. It is a Ziploc  
8 bag containing methamphetamine. When they weighed  
9 it on scene, it was approximately 148 grams. You  
10 can also see on the back that it was sealed and  
11 signed by Detective Wood on 3/12/2018.

12           He did the same thing for D-4, drug four,  
13 3/12/2018, a plastic bag containing methamphetamine.  
14 Sealed with his name and the date it was found.

15           So what happened after that? He took these  
16 envelopes back to the Anderson County Sheriff's  
17 Office where he told you he placed them in a best  
18 kit. He told you a little bit about what a best kit  
19 is, but this is what it amounts to. This is a best  
20 kit. It's just a plastic bag that once it's sealed  
21 cannot be unsealed, unless it's cut open. So these  
22 envelopes went inside this bag. How do we know? We  
23 know that it was sealed on 3/13/18 at the Anderson  
24 County Sheriff's Office.

25           Now, you see here it has a barcode on it. The

1 barcode is new -- new information. And that's where  
2 we get testimony from Jan Robison who talks about  
3 how the sheriff's office stores their evidence. Jan  
4 showed us this. This is just a short list of all  
5 the evidence in this case.

6 And you'll be able to take this evidence back  
7 there, look at it for yourselves, and follow the  
8 trail for yourself, follow the barcodes and the  
9 labels for yourself so that you can see up close  
10 exactly what I'm telling you.

11 The best kit for this case number is 1176768.  
12 And there it is, 1176768. This is the best kit that  
13 is associated with this case. And inside this best  
14 kit, were these drugs.

15 Now, how do we know that they kept the drugs  
16 straight by the time they got to the lab? A lot of  
17 drugs were collected on scene that night. You can  
18 see from this piece of paper, a lot of drugs were  
19 collected, but we're only interested in the drugs  
20 that were in these two envelopes.

21 So how can we be sure that the lab kept them  
22 straight? You heard Karen Bowen testify that when  
23 she takes the drugs out of this best kit that she  
24 inventories everything in there and she gives it a  
25 lab number, so we have yet another number that we

1       have to find out about.

2               The lab number in this case is also on the best  
3       kit. Anderson/Oconee Regional Forensics Lab, and  
4       that is the lab number associated with this case.  
5       It was logged into the lab on 3/22/2018. So she  
6       inventories it and creates a new system, and her new  
7       system labels things by (A) numbers. So instead of  
8       doing things like the sheriff's office and labelling  
9       things by (D), drugs, or (ND), non-drug, the way  
10      that the lab labels things is by (A) numbers. So  
11      A-01, A-02, A-03.

12             In this case, she wrote "Karen Bowen" on the  
13      same envelope that it was packaged in when it was in  
14      the best kit. When she unsealed it, she wrote up  
15      here on the corner, the lab number for the case, the  
16      (A) number that she assigned it.

17             So if you look at the methamphetamine that was  
18      inside that envelope -- see if we can't turn that  
19      down a little bit. There we go. You can see the  
20      lab number, you can see the A-2, and you can see  
21      Karen Bowen's initials.

22             So you've got Lab No. A-2, Lab No. A-2 on Item  
23      D-3, and a Ziploc bag containing approximately 148  
24      grams of methamphetamine. You do the same thing  
25      with this one. Lab A-3 is on Item D-4, and there

1       you have it, A-3.

2               So when you look at the report, how will you  
3       know? How will you be able to tell what the  
4       forensic chemist findings were because she tested  
5       every drug in this case. She lists it by item  
6       number, Item A-02. And then she lists the  
7       description that is on the envelope, a sealed  
8       envelope marked D-3 containing a clear plastic  
9       Ziploc bag, contains 139.57 grams of  
10      methamphetamine. And then she does the same thing  
11      with A-03, contains .65 grams of methamphetamine.  
12      And that's it. That's the whole chain, start to  
13      finish.

14             You heard from every single person who touched  
15      these drugs. You heard who collected them, who  
16      found them, who put them into evidence, who moved  
17      them from evidence to be tested, and who tested  
18      them. You can be certain, I would argue, beyond a  
19      reasonable doubt that these drugs are the drugs that  
20      were found in the first aid kit. But not just in  
21      any first aid kit, in this first aid kit.

22             This is listed as Item ND-3 on the evidence  
23      envelope, sealed by Detective Wood 3/12/2018. He  
24      logged that in on their evidence log as ND-3. You  
25      can look at the picture of this, and you can see

1       that it is the same. You can see the rubber bands.  
2       You can see the band-aids. This is the first aid  
3       kit that is in that picture that contained that  
4       methamphetamine.

5               And this, Item ND-4, is the brown paper bag.  
6       You can see that it was sealed by Detective Wood and  
7       that it is the brown paper bag that was found in  
8       that picture. We have hard evidence, evidence that  
9       you can see, touch, that shows that this  
10      methamphetamine is the methamphetamine that was  
11      found in the bedroom where Nancy Carswell was  
12      located and that it weighs 139.57 grams. So I  
13      submit to you that we have proven the first two  
14      elements of the crime beyond a reasonable doubt.

15             So what does that leave us with? That leaves  
16      us with the first element, trafficking  
17      methamphetamine. So we're back to this long  
18      convoluted looking statute, but remember I told you  
19      she doesn't have to be found guilty of all of these.  
20      So I want you to focus on the purchase, the conspire  
21      to purchase, and the knowingly in actual or  
22      constructive possession.

23             Let's start with the purchase or conspire to  
24      purchase. How do we know that she did either of  
25      those things? We know by two things. First, Nancy

1       Carswell's statement to Detective Acevedo. In that  
2       statement, she told Detective Acevedo that Tara  
3       Thomason dropped off the drugs at [REDACTED] Fairlane  
4       Drive, that she and Roy Walters purchased those  
5       drugs from Tara Thomason, and that Roy Walters put  
6       them -- well, that she put them in the first aid kit  
7       and that Roy Walters put the first aid kit under the  
8       mattress when the search warrant arrived.

9               MR. LUCAS: Your Honor, I'm going to object to  
10       the -- just briefly to the mischaracterization. I  
11       think the testimony was that the statement  
12       Ms. Carswell allegedly gave was that Roy Walters put  
13       the methamphetamine under the bed, is my  
14       understanding.

15              MS. HUCKER: Under the bed.

16              MR. LUCAS: Not that Ms. Carswell put it in the  
17       bag. That's my understanding of the testimony.

18              THE COURT: Okay. Well, yeah, and I'll allow  
19       you to clear that up. You can go ahead.

20              MS. HUCKER: Okay. So the statement that she  
21       gave was that she purchased this methamphetamine,  
22       that she purchased it from Tara Thomason who brought  
23       it to [REDACTED] Fairlane Drive, and that when the search  
24       warrant was being served, Roy Walters put the first  
25       aid kit under the bed. That is an admission, an



1 admission that she purchased methamphetamine.

2 How do we know that she conspired to purchase?  
3 Because we heard from Tara Thomason. Tara Thomason  
4 says that she got a phone call from Nancy Carswell  
5 and that she needed to pick up some money that she  
6 was owed or drop off some drugs to Nancy Carswell,  
7 that she didn't know where Nancy Carswell was  
8 staying. So she had to meet up with Roy Walters,  
9 and then the two of them had to go together to find  
10 Nancy Carswell. That's a conspiracy to purchase.  
11 Those three people are working together to purchase  
12 and sell methamphetamine.

13 Now, how do we know? How do we know that she  
14 did that? How do we know that Tara Thomason is  
15 telling the truth? These are not actions that  
16 typically take place out of the day, like people  
17 don't just walk down the street and say, "Here's 80  
18 grams of meth. Here's my money. Thank you very  
19 much," and then go about their merry way. They do  
20 it in secret. So how do we know what happened  
21 inside [REDACTED] Fairlane Drive?

22 Well, we know about everything that happened up  
23 until that moment. And we know because we have  
24 officers who were doing surveillance the entire day.  
25 They were -- they were in the woods behind [REDACTED]

1 Fairlane Drive starting at about five o'clock.

2 Detective Proner told you that he climbed up  
3 into a pine tree and watched that whole house, and  
4 these are the pictures that he took. He said when  
5 he got to the house, he initially saw a burgundy  
6 Chevy Blazer parked in the driveway, that burgundy  
7 Chevy Blazer parked in the driveway. He said he  
8 watched that Blazer leave and then come back a short  
9 time later. And that the Blazer was being followed  
10 by that dark in color BMW.

11 That these two people got out and they went  
12 inside the house. Well, that coincides with Tara  
13 Thomason's testimony that she met Roy Walters, that  
14 she was driving her dark in color BMW, that he was  
15 driving a burgundy Chevy Blazer, that they met at  
16 Watson Village, that they went to the convenient  
17 store, and then they came to [REDACTED] Fairlane Drive.

18 When they got there, she rifled through the  
19 trunk, which you can see her doing in this picture.  
20 She put the drugs that she had with her in a gift  
21 bag is what he called it, a gift bag or a shopping  
22 bag, and then she took them inside.

23 So what do we have? We have the cars that  
24 match the description that Tara Thomason and  
25 Detective Proner gave us. We have pictures of Tara

1 Thomason rifling through the trunk. We have Tara  
2 Thomason holding what appears to be a gift bag.  
3 It's a little harder to see. We also have Roy  
4 Walters holding what appears to be a cup, a cup from  
5 a convenient store.

6 So we know that everything that Tara Thomason  
7 told us leading up to the inside of that house is  
8 the truth. We know because they had eyes on her.  
9 And then when she left, we've got that too.

10 She said that when she went into the house, she  
11 was given \$1400 and that she put it in her bra. She  
12 was stopped a short time later. And when she was  
13 stopped, what did they find on Tara Thomason? \$1400  
14 in her bra.

15 What else did they find? Exactly what she said  
16 they would, an ammo canister filled with money and  
17 the shopping bag that she used to carry the  
18 methamphetamine from her car into [REDACTED] Fairlane  
19 Drive.

20 That is how we have evidence of Nancy Carswell  
21 purchasing methamphetamine and how we have evidence,  
22 proof beyond a reasonable doubt, that she conspired  
23 with Roy Walters and Tara Thomason to purchase  
24 methamphetamine.

25 So what about possession? Possession is a

1        little harder. I like to use an example. This is  
2        my pen. I've been writing with it all week. I get  
3        very sad when I lose my pen or when people take my  
4        pen because I have a special attachment to this one.

5                Right now, I have actual possession of this  
6        pen. I am holding it in my hand. I have physical  
7        custody over this pen. If I put it down, put it in  
8        my pencil case, put it in my desk downstairs, it's  
9        still by pen, but that's constructive possession  
10       because it's still mine. I still have what they say  
11       is dominion and control over that pen. I can still  
12       go get it any time I want and use it. I can use it  
13       to write. I can use it to throw at somebody. I can  
14       use it to click when I'm nervous. I can use it  
15       however I want because it is my pen. I have  
16       dominion and control over that pen.

17                So by law, the State has to prove beyond a  
18       reasonable doubt that Tara Thomason was either in  
19       actual possession or constructive possession --  
20       excuse me -- Nancy Carswell was in actual possession  
21       or constructive possession of 139 grams of  
22       methamphetamine.

23                We are not saying -- the State is not going to  
24       prove that she had actual possession. No officer  
25       testified that when they came into the house that

1 she had any methamphetamine on her person. You  
2 heard officers say that when she was taken to the  
3 jail, she didn't have any in her pockets. The  
4 methamphetamine that we're talking about is the one  
5 that I showed you there that was in that first aid  
6 kit. So how do we prove that she had constructive  
7 possession of that methamphetamine?

8 Now, there's something else that you need to  
9 know about constructive possession. Knowledge that  
10 the meth is present is evidence. It's strong  
11 evidence for you to consider that she had dominion  
12 and control over it. She knew it was there. You  
13 are allowed to consider that she had dominion and  
14 control. We know that she knew it was there. She  
15 told the detectives it was there. So that is enough  
16 for you to consider that she had dominion and  
17 control over that methamphetamine.

18 But what we also need you to know is that mere  
19 presence in the room where the methamphetamine was  
20 found is not enough. If I give this pen to my  
21 co-counsel and she writes with it, she has  
22 possession, I have possession because it's still  
23 mine, but none of you have possession. None of you  
24 are allowed to take my pen and write with it.  
25 You're merely present in the room where the pen is

1       being used, but we would argue, we would submit that  
2       Nancy Carswell was not just merely present in the  
3       room where the methamphetamine was found.

4               Additionally, it's important to note that more  
5       than one person can have possession. You can have  
6       joint possession. Like I said, if I give this pen  
7       to my co-counsel and she's writing with it, she has  
8       possession, but it's still my pen so I also have  
9       possession. We have possession together. Just like  
10      Roy Walters and Nancy Carswell had possession  
11      together of that methamphetamine. It doesn't mean  
12      we split the pen in half. It doesn't mean that I  
13      only get the clicky part and that she only gets the  
14      grippy part. It means that together we possess one  
15      whole pen, just like together Roy Walters and Nancy  
16      Carswell possessed 139 grams of methamphetamine  
17      constructively. They had dominion and control over  
18      that methamphetamine.

19              So how do we know? We know, first, because she  
20      told law enforcement that she did. Ms. Carswell was  
21      Mirandized by Sergeant Alan Hendrix and gave a  
22      statement to Detective Andres Acevedo. Those two  
23      officers between them have more than 20 years of law  
24      enforcement experience. They know what it means to  
25      take a voluntary statement from someone.

1           Would it be better if they had written or  
2           reported it? Absolutely. But does that mean that  
3           we have to disregard it because it was not written  
4           or recorded? Absolutely not. Nancy Carswell's  
5           statement was not forced. It was not coerced. It  
6           was given with full knowledge of her rights under  
7           the law. And it was given after she voluntarily  
8           waived those rights and agreed to speak with  
9           Detective Acevedo.

10           She told Detective Acevedo that Tara Thomason  
11           sold her drugs, that they were in the first aid kit,  
12           and that Roy Walters hid the first aid kit under the  
13           mattress. That is the statement, and that statement  
14           is backed up by the pictures that I've shown you and  
15           by the testimony of Tara Thomason.

16           Tara Thomason's testimony. She sold 80 grams  
17           to Nancy Carswell. Nancy Carswell gave her \$1400 in  
18           exchange. She also said that Nancy Carswell already  
19           had some methamphetamine. And where was that  
20           methamphetamine located? In a red first aid kit.

21           She also said that Nancy Carswell took meth  
22           from that red first aid kit, put it in a pipe, and  
23           that they smoked it together. Nancy Carswell,  
24           according to Tara Thomason, had dominion and control  
25           over the methamphetamine in that first aid kit. It

1        was hers. She was using it. She was moving it  
2        around. She was storing things in it. That first  
3        aid kit belonged to Nancy Carswell and so did the  
4        methamphetamine inside.

5                Now, the State has relied a lot on Tara  
6        Thomason, and she is a drug trafficker. She  
7        admitted that much to you on the stand. She came in  
8        here in an orange jumpsuit in handcuffs and said,  
9        "Yes. I pled guilty to conspiracy to traffic  
10       methamphetamine and possession with intent to  
11       distribute methamphetamine." I'm asking you to  
12       believe a criminal.

13               And I would love to have a preacher or a  
14       kindergarten teacher or a brain surgeon up here to  
15       tell you that they witnessed this transaction, but  
16       those aren't the kind of witnesses to a drug  
17       transaction typically. The kind of witnesses that I  
18       have is Tara Thomason. Who knows better what  
19       happens in a drug deal than a drug dealer? She is  
20       an eyewitness to this crime, and I submit that you  
21       should trust her.

22               Nancy Carswell couldn't call up one of her  
23       squeaky clean friends with no record. They couldn't  
24       get her meth. Only someone like Tara Thomason could  
25       provide that for her, but that still doesn't tell us



1       why you should believe her. I submit that you  
2       should believe her because her story lines up with  
3       the defendant's story and it lines up with the  
4       evidence.

5               When officers made entry into the home, they  
6       found Roy Walters and Nancy Carswell in a bedroom,  
7       the same bedroom where the drugs were found in the  
8       red first aid kit exactly where Tara Thomason told  
9       you that she saw the drugs. We have photos of her  
10      doing exactly what she said she did that day. We  
11      have testimony that she received \$1400 from Nancy  
12      Carswell and Roy Walters, put it in her bra, and  
13      that officers found \$1400 in her bra later. It all  
14      lines up.

15             Tara Thomason is a drug dealer, she is a  
16      shoplifter, but she is not a liar. She could've  
17      stolen \$300 from Nancy Carswell and Roy Walters that  
18      day. You heard her. She said, "They gave me --  
19      they said here, here's \$1100. And I counted it and  
20      I said, 'No. This is 1400.'" She could've just  
21      kept her mouth shut, put her \$1400 in her bra,  
22      pocketed an extra 300 and called it a day, but she  
23      didn't. She corrected them. She didn't lie to  
24      Nancy Carswell. She didn't lie to Roy Walters, and  
25      she didn't lie to me.

1           She could've stuck with her original story when  
2 she was stopped later that night. She told officers  
3 that the money originally was -- that they found was  
4 from an insurance -- was an insurance payout. She  
5 could've stuck with that. She could've said, "Nope.  
6 Not drug money. Definitely not drug money."

7           When I asked her why she lied about that, she  
8 said it was because she was scared. And I asked her  
9 why she was scared. She said because that money was  
10 owed, owed to someone that she called "boss man" and  
11 she was scared for herself if that money was not  
12 given back to him. So she lied, but she corrected  
13 herself almost immediately. Even though she was  
14 scared for herself, she came off of it and said,  
15 "Yes. This is drug money. \$38,000 -- \$39,0000 in  
16 drug money."

17           She met with Detective Matt McDonald in July.  
18 We don't know the details of that conversation, but  
19 we know that she spoke again about her meeting with  
20 Nancy Carswell and Roy Walters. We know that she  
21 has been cooperative and truthful the entire way.

22           Now, the defense will have you believe that  
23 because Tara Thomason has pled guilty in an  
24 unrelated Federal case to possession with intent to  
25 distribute methamphetamine and conspiracy to

1 traffic, that she testified here just so that she  
2 could get a lower sentence. And she said,  
3 "Absolutely I'm testifying so I can get a lower  
4 sentence," but she also said she was testifying  
5 because she wanted to do the right thing.

6 Now, I have no control over her Federal  
7 sentence. I'm not a Federal prosecutor. I'm a  
8 State prosecutor. I have no power there, but she is  
9 hoping to get the benefit from someone. So does  
10 that make her less believable since the judge  
11 deferred her sentence? Yes. She has the potential  
12 to receive a benefit. You heard Mr. Lucas ask her  
13 how long she's facing in prison. Fifteen years to  
14 life on each charge. Two life sentences is what  
15 Tara Thomason is facing.

16 So I would ask you, why would she lie? Why  
17 would she get on that stand after swearing an oath  
18 to tell the truth, the whole truth, and nothing but  
19 the truth and then get on that stand and risk being  
20 caught in a lie on the record. This fine lady is  
21 taking down every single thing that Tara Thomason  
22 said. Her attorney could order a transcript of  
23 that. If she got caught lying, they could hold that  
24 up in court and say, "Mmm, you're full of lies. Two  
25 life sentences for you."

1           Why would she risk that? Why would she risk  
2 coming in here saying that she sold 80 grams of  
3 methamphetamine that she was never charged with  
4 selling when she's hoping to get a benefit? Why  
5 would she lie about those things? I submit to you  
6 that she would not.

7           So I'm asking you not to let Ms. Thomason's  
8 plea cloud your judgment of her credibility. This  
9 trial isn't about her. She gave some testimony.  
10 She gave some very helpful testimony, but it's not  
11 about her guilt or innocence. That is for another  
12 Court to decide on another day.

13           Nancy Carswell's fate is who we need to be  
14 concerned with today. So it's on her actions that  
15 we need to focus. So, ladies and gentlemen, I  
16 submit that we have proven beyond a reasonable doubt  
17 that Nancy Carswell was in constructive possession  
18 of this 139 grams of methamphetamine located inside  
19 this red medicine bag on March 12, 2018. She had  
20 dominion and control over that methamphetamine. She  
21 knew where it was. She told officers where it was.

22           We have an eyewitness that saw her put  
23 methamphetamine in that first aid kit, manipulate  
24 and maneuver the methamphetamine in that first aid  
25 kit, use the meth in that first aid kit. She had

1 had dominion and control. So even though -- even  
2 though officers didn't catch her with that first aid  
3 kit in her hands when they walked in the door, that  
4 does not mean that she possessed it any less than it  
5 means that I possessed that pen any less. Still my  
6 pen. Still Nancy Carswell's meth.

7 We've proven that she was not merely present in  
8 the room when the methamphetamine was found because  
9 she used it. It was hers. And we have proven that  
10 even though Roy Walters may have been the person to  
11 put that methamphetamine between the mattress, that  
12 that's okay, that two people can have possession.  
13 She and Roy Walters can have possession together.  
14 It does not make it any less Nancy Carswell's  
15 methamphetamine.

16 So these are the three elements, and I submit  
17 to you that we have proven them beyond a reasonable  
18 doubt, that you should be firmly convinced that  
19 Nancy Elaine Carswell purchased or conspired to  
20 purchase or was in constructive possession of a  
21 substance that was chemically tested to be  
22 methamphetamine and that that methamphetamine  
23 weighed more than 139 grams.

24 I submit that I have not only proven, but  
25 exceeded my burden. And if after taking in all of

1 the evidence before you, all the testimony that you  
2 heard you agree and you are firmly convinced, then  
3 you must find her guilty. Thank you.

4 THE COURT: Yes, sir.

5 MR. LUCAS: Your Honor, I'd ask that you give  
6 the jury about a 10- or 15-minute break. They've  
7 been sitting here listening for a long time.

8 THE COURT: I'll give you just about 10 or 15  
9 minutes. If anybody needs to use the restroom, you  
10 can have five and go. Please don't discuss this  
11 case. Five minutes for anybody that needs to use  
12 the restroom.

13 (From 12:40 to 12:53 p.m., recess.)

14 THE COURT: All right. You can bring them back  
15 in.

16 THE BAILIFF: (Complying.)

17 (At 12:53 p.m., jury entered the courtroom.)

18 THE COURT: Okay. Ladies and gentlemen, thank  
19 you. Probably because of that, I will not take a  
20 break afterwards unless you need it. So if you do  
21 need a break after the closing and, quite frankly,  
22 it depends on how long it is, but if we take a  
23 break, it'll be a quick one to let everybody use the  
24 restroom and I'll bring you back in.

25 All right. Yes, sir.

1           MR. LUCAS: May it please the Court?

2           THE COURT: Yes, sir.

3           MR. LUCAS: I'm here to talk straight with  
4 y'all about the facts and highlight what is  
5 important for you to consider in your deliberations  
6 and highlight what I see as some weaknesses in the  
7 State's case.

8           Now, you heard from Ms. Hucker for a long time,  
9 and I don't necessarily disagree with some of the  
10 stuff -- some of the stuff that she's telling you.  
11 She said there was 140 grams of methamphetamine in  
12 the house. I don't disagree with that. She said  
13 that there was a chain-of-custody for the  
14 methamphetamine from the house all the way to the  
15 lab. I don't necessarily disagree with that either.

16           But what the key issue in this case is not  
17 whether there were drugs found in the house, it's  
18 whether the State has presented sufficient evidence  
19 to show that the drugs are attributable to Nancy  
20 Carswell. And what I mean by that is, can they show  
21 that Ms. Carswell was either actively or  
22 constructively in possession of over 100 grams of  
23 methamphetamine or at all. And I don't think that  
24 the facts will show that. I don't think that the  
25 facts that you've heard today are sufficient for

1           that.

2                       So the prosecutor is Chelsea Hucker and  
3           Marybeth Holahan. They're good lawyers. They tried  
4           a good clean case. I have a whole lot of respect  
5           for both of them. But just because they tried a  
6           good clean case does not mean that they have shown  
7           sufficient evidence to find Nancy Carswell guilty of  
8           trafficking more than 100 grams of -- grams of  
9           methamphetamine.

10                    The facts that you've heard, they don't meet --  
11           they don't satisfy that. And that has nothing to do  
12           with Ms. Hucker or Ms. Holahan. It has a lot to do  
13           with law enforcement. The State has to work with  
14           the evidence that law enforcement brings to them.  
15           And the case that they have brought to law  
16           enforcement is not enough to get over that bar. And  
17           it's not enough to get over the bar of proving  
18           Ms. Carswell guilty beyond a reasonable doubt  
19           because law enforcement didn't get it right in this  
20           case. They cut some corners. They didn't do  
21           everything that they needed to do to make a strong  
22           case. And we're going to talk about that.

23                    The other problem is that law enforcement's  
24           case against Ms. Carswell, it's founded upon two  
25           main witnesses, that would be Andres Acevedo and



1 Tara Thomason. And there's some problems with their  
2 testimony. Not the same problems, but both are  
3 problematic.

4 Detective Acevedo testified about a statement  
5 that he says Nancy Carswell made to him. This is  
6 simply not verifiable.

7 Tara Thomason testified about what she did on  
8 that day, and her testimony is problematic because  
9 it's unreliable. She has every reason in the world  
10 to come into court and lie to help herself.

11 Now, let's talk about Detective Acevedo's  
12 testimony. He came in and the most important part  
13 of his testimony is he is recounting a hearsay  
14 statement by Nancy Carswell. He is saying that she  
15 said this to me. And the problem with this  
16 statement and the case [sic] founding its case upon  
17 it is that it is totally and completely  
18 unverifiable.

19 He told you that he didn't record it. He told  
20 you that no one was -- that no one else was there  
21 listening to it. He told you that Nancy Carswell  
22 didn't sign a Miranda waiver. And he told you that  
23 he didn't have her reduce the statement to writing,  
24 all of which would be normal practice. That would  
25 be good police work. And that is a reason to doubt

1        what he's telling you. It just is. It didn't have  
2        to be that way, that -- that's the thing.

3                He told you that he has a county-issued  
4        smartphone. He told you that there was just too  
5        much going on and that he couldn't get the phone out  
6        to record it. And he told you that there were a lot  
7        of other police officers there and a lot of other  
8        folks with county-issued smartphones. We know this  
9        to be true. And there was just too much going on.  
10       And, well, there was a lot of stuff going on. He  
11       had a busy night. It's not hard to do. It's three  
12       clicks away -- unlock, camera, record. Video and  
13       audio. That's not hard to do. And he didn't do  
14       that. And because of that, this alleged statement  
15       is totally unverifiable. And that is a reason to  
16       doubt.

17               And when you're making a decision in this case,  
18       tell Detective Acevedo that this isn't good enough,  
19       that it's not good enough to just watch somebody  
20       give a statement. Tell them that next time he needs  
21       to get it right and he needs to record it. This is  
22       not 1950. This is 2019.

23               I want to talk about Tara Thomason as well.  
24       And the issue with her testimony is that she is  
25       totally and completely unreliable. She told you

1       herself. I questioned her about her record and she  
2       told you, "Yes. I pled guilty to two charges of  
3       conspiracy to distribute methamphetamine in Federal  
4       court. And, yes, I'm looking at two sentences of  
5       15 years to life. And, yeah, I'm here to help  
6       myself. I'm here to testify to try to get a better  
7       deal on the back end."

8               And maybe she won't get two life sentences. I  
9       don't practice in Federal court. I don't know, but  
10      what I can tell you is that 15 years to life means  
11      the mandatory minimum sentence she's looking at is  
12      15 years. She's looking at two of those, so she  
13      came in here to try to help herself and that calls  
14      her credibility into question.

15             Now, Ms. Thomason, she also had an incentive to  
16      lie, not just in the courtroom today, but on that  
17      evening of March 12th of 2018. And she told you  
18      sitting right there, she said, "When I first came  
19      into contact with the police, I lied to them. I  
20      told them that \$39,000 was insurance money."

21             Well, that didn't work. And, Ms. Thomason,  
22      she's not dumb. You can sit up there -- I saw her  
23      sit up there, and I'm sympathetic to her. She's in  
24      a terrible spot and I feel bad for her. That  
25      doesn't mean that we have to take her word at face

1 value, but this is not her first rodeo. She's been  
2 convicted of -- in 2018, she had two methamphetamine  
3 convictions already. She didn't want to go to jail.

4 I submit to you that it does not scream  
5 fragility that she figured out that officers were  
6 interested in Nancy Carswell, and she ran with it,  
7 that she told them exactly what she needed to do to  
8 not be arrested that night. And it worked. She  
9 didn't get arrested. You heard from police that she  
10 had methamphetamine in her possession, and they  
11 typically arrest folks for that. They didn't arrest  
12 her. And you heard that she had this \$39,000 in  
13 drug money and she was bringing it to her boss man  
14 for methamphetamine deliveries. You know what that  
15 is? That is the same thing she got convicted of in  
16 Federal court, conspiracy to distribute  
17 methamphetamine. And if the police really believed  
18 that, why didn't they charge her with it?

19 But the absolute most important part of Tara  
20 Thomason's testimony is what she said for the first  
21 time yesterday. And what she said for the first  
22 time was that part, not about delivering the 80  
23 grams of drugs to Nancy Carswell and Roy Walters.  
24 She said that the whole time.

25 The thing that she said for the first time was

1       that after she got in the house, that Nancy Carswell  
2       opened this bag up and that she saw there was  
3       already methamphetamine in there. And low and  
4       behold, she could tell how much, that it was 28  
5       grams in there, which magically gets them from  
6       80 grams over to 100 grams. And sitting on this  
7       stand yesterday, that was the first time that she  
8       has ever said that.

9               And I asked Detective Scogins or Lieutenant  
10       Scogins who interviewed her at the scene on March  
11       12th of 2018, and I asked him whether she had  
12       told -- she had said that to him about the red bag.  
13       And he said, "No. It's not in my report." That  
14       means she didn't say it then.

15              And we -- you also heard from the one witness  
16       that we called, Matt McDonald with the DEA task  
17       force. He doesn't work for me. I didn't want to  
18       call him, but we had to call him because he  
19       interviewed Tara Thomason on -- in July of 2019.  
20       And I asked him what was in that interview and guess  
21       what? You heard him say nothing about this red bag,  
22       nothing about this additional 28 grams.

23              So why do we have that in there? Why is she  
24       adding it now? Because she's trying to help  
25       herself. I don't blame her. She's trying to avoid

1 serving at least two 15-year sentences, but that is  
2 what you're left with. And that's a reason to  
3 doubt.

4 You also heard that there was some other people  
5 in the house, a bunch of drugs too. You heard that  
6 Nancy Carswell, she wasn't the only person in that  
7 bedroom. There was three other people, including  
8 Roy Walters. You heard there were three other  
9 people in the house for a total of seven people.  
10 You didn't hear anything about this being Nancy  
11 Carswell -- Carswell's home, that she owned it. If  
12 she did, you would've heard that. You didn't hear  
13 anything about that being her bedroom. If that was  
14 her bedroom, you would've heard it. That's a reason  
15 to doubt it.

16 And Ms. Hucker talked to you about constructive  
17 possession, and she explained it with her pen. And  
18 it was well explained. But you might get to  
19 constructive possession here if you determine that  
20 was Nancy Carswell's bedroom and that she knew about  
21 all the drugs. You might get there, but that's not  
22 what you heard. You didn't hear it was her bedroom.  
23 You heard there were other people in there.

24 And, again, one of the key facts is if you  
25 decide that there was this delivery of drugs to the

1 house, how much is attributable to Nancy Carswell?  
2 How much did she buy if you believe that happened?  
3 And what Tara Thomason was saying is it was 80 grams  
4 or 79 grams. There was some inconsistency. Not  
5 180, 80, and that's a reason to doubt.

6 There are also some problems with the police  
7 investigation here. And I asked Detective Acevedo  
8 about it. He didn't want to talk about it. You  
9 remember he was on the stand and he was saying, "I  
10 don't know. I don't remember." He was being  
11 evasive, and that's because he didn't do some things  
12 that he needed to do.

13 There is absolutely no physical evidence  
14 connecting Nancy Carswell to this bag more than  
15 anyone else in that house. And if they had done the  
16 proper police work, that could be resolved. And  
17 what I'm talking about is those bags. You had this  
18 Ziploc baggy of drugs inside of a red -- or I'm  
19 sorry -- it was inside of a brown paper bag that's  
20 inside of a red medicine bag.

21 Well, you can test those for fingerprints.  
22 That's easy to do. It's done all the time. You can  
23 test it for touch DNA. That's easy to do too.  
24 That's not done as frequently. But what we have  
25 here, nobody even looked for fingerprints to see if

1       you could determine whose bag it is, who was holding  
2       it, who put it under the bed. Didn't even submit it  
3       to forensics to check. I submit to you that means  
4       they didn't want to know. It's more convenient to  
5       just say it belonged to Nancy Carswell, and that's a  
6       reason to doubt.

7               And I would highlight for you that when the  
8       police detained Ms. Carswell and then arrested her  
9       later on, she didn't have any drugs on her. There's  
10      not anything in that bag that ties ownership to her,  
11      that would suggest it's her bag instead of Roy  
12      Walters bag. It just isn't.

13              And I'm sorry that I'm taking up so much of  
14      your time here, but this next one is a really big  
15      point. I think it's extremely meaningful. And what  
16      it is, is that you heard from Tara Thomason on the  
17      stand that she said, "I called Nancy Carswell. We  
18      had a phone call to set this thing up."

19              Well, they had a chance -- Detective Acevedo  
20      had a chance to test this, to test whether Tara  
21      Thomason, whether her story is true, to test the  
22      veracity of it, and they didn't do it. And what I'm  
23      talking about is very simply, you get Nancy  
24      Carswell's phone, which they collected, and you do a  
25      data dump out of it. You get to see who she called



1 and when. That's commonly done. I see that in  
2 almost all serious cases that I handle. It wasn't  
3 done here.

4 Or you can do it another way. You can get Tara  
5 Thomason's phone records and Nancy Carswell's for  
6 that matter. The State can get those phone records  
7 easily with a search warrant. It's one signature  
8 away. It's taking an application up to Judge Maddox  
9 or a magistrate, having them sign it, and then you  
10 can get those records in 10 or 15 days.

11 Well, that didn't happen here, not for Tara  
12 Thomason, not for Nancy Carswell, not for Roy  
13 Walters to see if the call was between he and Tara  
14 Thomason. And this was a chance to test the  
15 reliability of Tara Thomason's story, and she's here  
16 trying to help herself out. And it was an  
17 opportunity not taken. And that is a reason to  
18 doubt the State's case.

19 So why not? Why -- why not do all of this?  
20 And you know that Detective Acevedo didn't want to  
21 talk about that. You saw his demeanor on the stand.  
22 Why not do this? Why not look for physical  
23 evidence? Why not look at the phone records to test  
24 whether Tara Thomason is telling the truth? I don't  
25 know. I don't know.

1           And, I mean, there are possible explanations.  
2       Maybe he's got something to hide. Maybe he just cut  
3       corners. Maybe he didn't feel like doing all of  
4       this to come into court and convict someone of a  
5       very, very serious crime, but it wasn't done.

6           I don't mean to cast aspersions at Detective  
7       Acevedo, but when you're talking about somebody's  
8       life here, and when somebody's life is on the line,  
9       you check all the boxes. You don't just do a little  
10      bit of work one night and then punt it on to deal  
11      with it a year and a half later. You check all the  
12      boxes because this is America and this is our  
13      criminal justice system and we -- when we want to  
14      convict somebody, we have to be sure about it.

15          So based off all of these problems, you  
16      shouldn't convict Nancy Carswell of anything. The  
17      State has not carried their burden of proof. They  
18      haven't shown that Tara Thomason brought more than  
19      80 grams of methamphetamine to that house. They  
20      haven't shown that Nancy Carswell was ever in  
21      possession of that bag, unless you want to believe  
22      Tara Thomason who was sitting up there and she was  
23      testifying to try to get a better deal. And I would  
24      submit to you that her testimony is not reliable.  
25      And if you don't believe that, you don't believe

1        what she's saying, you can't get above 80 grams.

2                Now, that's my opinion. You shouldn't convict  
3 her of anything, but it is possible to hold two  
4 different beliefs at one time. You can believe  
5 Detective Acevedo's version of Nancy Carswell's  
6 statement. It's not verifiable, but you could  
7 choose to believe it. And you could choose to  
8 believe some of Tara Thomason's testimony that she  
9 delivered 80 grams to the home.

10               If you choose to believe those, and I think  
11 there's some reasons not to. I think there are a  
12 lot of reasons not to, but you can choose to believe  
13 that and you can choose to not totally disbelieve  
14 Detective Acevedo. And based on that, you can  
15 convict Nancy Carswell of a lesser included of  
16 trafficking 80 grams of methamphetamine.

17               And to get there, the only thing you have to  
18 disbelieve is this new testimony by Tara Thomason,  
19 this testimony where she sat down for the first time  
20 ever yesterday and started talking about this red  
21 bag and this 28 grams. I don't know how she  
22 eyeballed that, which mysteriously gets you right  
23 above 100 grams. You disbelieve that and believe  
24 Detective Acevedo's version, you could convict for  
25 the lesser included.

1           That's a chance to split the baby, but don't do  
2           it. You've heard all the evidence here. You've  
3           heard the problems in the State's case. You've  
4           heard about statements not recorded, good police  
5           work not done, and you've heard that they're asking  
6           you to believe Tara Thomason.

7           Think about all of this and reach the only  
8           verdict you can, find her not guilty. And thank you  
9           for being here this week and being patient. I  
10          certainly appreciate it.

11          THE COURT: Ladies and gentlemen, do any of you  
12          need a break before I do this?

13          THE FOREMAN: No, sir.

14          THE COURT: Okay. I understand. I'm sorry.

15          All right. As I told you, you've heard all the  
16          testimony and evidence that you're going to hear in  
17          this case. It's now time for me to charge you on  
18          the law. I apologize for having to read this to  
19          you, but I do have to. It is state law.

20          The first thing I want to tell you as a part of  
21          what I will read to you, is something I told you  
22          when we began. You'll have this indictment with you  
23          in the jury room, but you shouldn't discuss it. As  
24          I said, the defendant in this case has pled not  
25          guilty and is not guilty, unless you believe the

1 State has proven each and every element of the crime  
2 that I'm going to explain to you beyond a reasonable  
3 doubt. So you should never discuss the fact that  
4 because a person's been indicted, that person is  
5 guilty or should never believe that that somehow  
6 presents evidence that the State has proven their  
7 case.

8 Now, ladies and gentlemen, I charge you that  
9 it's an important rule of law in this state that in  
10 a criminal trial, no matter what the seriousness of  
11 the charge may be, that the defendant will always be  
12 presumed to be innocent of the crime for which the  
13 indictment is issued, unless guilt has been proven  
14 by evidence satisfying you the jury of that guilt  
15 beyond a reasonable doubt.

16 The presumption of innocence does not end when  
17 you begin your deliberations, but it accompanies --  
18 accompanies the defendant throughout the trial until  
19 you reach a verdict of guilt based on the evidence  
20 satisfying you of that guilt beyond a reasonable  
21 doubt.

22 The presumption of innocence, again, is like a  
23 robe that sits about this defendant and it sits  
24 there until you remove it. The presumption of  
25 innocence is not mere legal theory. It is not just

1 a legal phrase. It is a substantial right to which  
2 every defendant is entitled to until you the jury  
3 are satisfied from the evidence that the defendant's  
4 guilt has been proven beyond a reasonable doubt.

5 Now, what is reasonable doubt? I charge you  
6 that a reasonable doubt is the kind of doubt that  
7 would cause a reasonable person to hesitate to act.

8 Now, ladies and gentlemen, as I told you, you  
9 and I have had very different roles. During the  
10 course of this trial, you've been very patient.  
11 You've sat there. You've listened to all the  
12 testimony from all of the witnesses. And if I have  
13 given you any impression, I don't think I have, but  
14 if I've given you any impression during the course  
15 of this trial that I believed a witness or that I  
16 believed a particular witness was telling the truth  
17 or not telling the truth, disregard that. My  
18 opinion about the witnesses's credibility is  
19 irrelevant. You are the only 12 people and the  
20 alternate who could make a determination about the  
21 facts in this case.

22 Likewise, what I'm doing now is reading to you  
23 the law in this case. When you begin your  
24 deliberations, you can't hope that the law is  
25 different, think that the law is different, or

1 believe that the law is different. Trust me, we  
2 have taken -- that's what we've been e-mailing back  
3 and forth here with great care to make sure that we  
4 charge you on each and every law that applies in  
5 this case. And, again, our roles don't cross. We  
6 will take the facts as you determine them to be and  
7 you must take the law as I give it to you.

8 Now, ladies and gentlemen, in every case tried  
9 in this court -- you have to excuse my voice. It's  
10 sort of leaving so I'll do my best. There are two  
11 types of evidence which are generally presented  
12 during -- during a trial. There is direct evidence  
13 and there's circumstantial evidence.

14 Direct evidence proves the existence of a fact  
15 and does not require deduction. Circumstantial  
16 evidence is proof of a chain of facts and  
17 circumstances indicating the existence of a fact.  
18 Crimes may be proven by circumstantial evidence.  
19 The law makes absolutely no distinction between the  
20 weight or value to be given to either direct or  
21 circumstantial evidence.

22 However, to the extent the State relies on  
23 circumstantial evidence, all of the circumstances  
24 must be consistent with each other, and when taken  
25 together point conclusively to the guilt of the

1 accused beyond a reasonable doubt.

2 If these circumstances merely portray the  
3 defendant's behavior as suspicious, the proof has  
4 failed. The State has the burden of proving the  
5 defendant guilty beyond a reasonable doubt. This  
6 burden rests with the State regardless of whether  
7 the State relies on direct evidence, circumstantial  
8 evidence, or some combination of the two.

9 Circumstantial evidence is proof of a chain of  
10 facts and circumstances indicating the existence of  
11 a fact. It is evidence which immediately  
12 establishes collateral facts from which the main  
13 fact may be inferred. Circumstantial evidence is  
14 based on inference and not on personal knowledge or  
15 observation.

16 As I said, the law makes absolutely no  
17 distinction between the weight or value to be given  
18 to either direct or circumstantial evidence, nor is  
19 a greater degree of certainty required of  
20 circumstantial evidence than of direct evidence.  
21 You should weigh all the evidence in this case.  
22 After weighing all the evidence, if you are not  
23 firmly convinced or not convinced of the guilt of  
24 the defendant beyond a reasonable doubt, you must  
25 find the defendant not guilty.



1           Now, necessarily as a part of your duties, as I  
2       told you yesterday, you have to determine the  
3       credibility of the witnesses. Credibility in this  
4       state, as I told you, simply means believability.  
5       It becomes your duties as jurors to analyze and to  
6       evaluate the evidence and determine which evidence  
7       convinces you of its truth.

8           In determining the believability of witnesses  
9       who have testified in this case, you may believe one  
10      witness above all others. You may believe part of  
11      what a witness testifies to and disregard the  
12      remainder. You can believe none of it, but it's up  
13      to you the jury to determine whether or not the  
14      witnesses were credible.

15          Now, ladies and gentlemen, we had one expert  
16      witness testify in this case and I think that was  
17      the person that testified via video. The rules of  
18      evidence ordinarily do not permit witnesses to  
19      testify to opinions or conclusions. An exception to  
20      this rule exists for witnesses that we call in the  
21      law "expert witnesses."

22          A witness who by education or experience has  
23      become expert in some art, science, profession, or  
24      calling may state an opinion as to relevant and  
25      material matter in which the witness claims to be an

1 expert and may also state the reasons for that  
2 opinion. You should consider any expert opinion  
3 received in evidence in this case. And like all of  
4 the other evidence, give it the weight you think  
5 that it deserves.

6 If you decide that the opinion of an expert  
7 witness is not based on sufficient education and  
8 experience, or if you conclude that the reasons  
9 given in support of the opinion are not sound, or  
10 that the opinion is outweighed by other evidence,  
11 you may disregard the expert's opinion in its  
12 entirety. An expert witness's testimony is to be  
13 given no greater weight than that of other witnesses  
14 simply because the witness is an expert. Further,  
15 you are not required to accept an expert's opinion  
16 even though it is not contradicted.

17 In order to establish criminal liability,  
18 criminal intent is required. For example, the  
19 mental state required to be proven by the State for  
20 a particular crime might be purpose, intent,  
21 knowledge, recklessness, or criminal negligence.

22 Criminal intent must be proven by the State  
23 beyond a reasonable doubt. Criminal intent is  
24 always a matter that must be determined by you the  
25 jury from the circumstances surrounding the

1 situation. There's no way to prove intent to a  
2 mathematical certainty. There's no way that we can  
3 determine what a person's thinking in their brain at  
4 the time of the act.

5 So the law says that the criminal intent may be  
6 inferred from the circumstances shown to have  
7 existed at the time of the act. This is how you  
8 make a determination of whether or not the element  
9 requiring intent was present. It is not necessary  
10 to establish intent by direct and positive evidence,  
11 but intent may be established by inference in the  
12 same way as other acts by taking into consideration  
13 the acts of the parties and all the facts and  
14 circumstances of the case. Criminal intent is a  
15 mental state, a conscious wrongdoing. It is up to  
16 you to determine what the defendant intended to do  
17 based on the circumstances shown to have existed at  
18 the time alleged. Criminal intent can arise from  
19 action or a failure to act.

20 Now, ladies and gentlemen, under the laws of  
21 this state, a defendant may be tried even if that  
22 defendant does not attend the trial, but the fact  
23 that the defendant is not present may not be  
24 considered by you in any way or in any manner  
25 whatsoever. It is up to the defendant whether or

1 not they want to attend the trial and you cannot  
2 consider that as an element or an indication of  
3 guilt in any fashion.

4 All right. Now, ladies and gentlemen, listen  
5 very carefully because I'm going to explain to you  
6 the law regarding trafficking in methamphetamine and  
7 there are going to be different layers that I think  
8 will be clear. I'm almost at the end of this,  
9 belief it or not, but listen very carefully because  
10 this will make a difference to you -- or it may make  
11 a difference.

12 The defendant is charged with trafficking in  
13 methamphetamine 100 or more grams, but less than  
14 200 grams. The State must prove beyond a reasonable  
15 doubt that the defendant -- defendant knowingly  
16 sold, manufactured, cultivated, delivered,  
17 purchased, brought into this state or provided  
18 financial assistant -- assistance or otherwise  
19 aided, abetted, attempted, or conspired to sell,  
20 manufacture, cultivate, deliver, purchase, or bring  
21 into the state and was knowingly in actual or  
22 constructive possession, knowingly attempting to  
23 become in actual or constructive possession of  
24 methamphetamine.

25 If you find beyond a reasonable doubt the

1       defendant possessed methamphetamine, but there is a  
2       reasonable doubt as to whether or not the amount  
3       involved was more than 100 grams, then you should  
4       consider whether or not the State has proved  
5       trafficking meth -- methamphet -- methamphetamine,  
6       excuse me, in the amount of more than 28 grams, but  
7       less than 100 grams of methamphetamine.

8               Or if you believe that the State has failed to  
9       prove the 100 to 200 or the 28 to 100 grams, you may  
10      consider whether or not the State has proven that  
11      the defendant is -- has -- is guilty of trafficking  
12      in between 10 and 28 grams of methamphetamine. The  
13      only difference between these charges is the weight  
14      or amount of methamphetamine involved.

15             And I want to explain that because I think the  
16      verdict form will make it more clear. In fact, I'll  
17      do that in just a second.

18             If you find beyond a reasonable doubt that the  
19      defendant possessed methamphetamine with an intent  
20      to distribute, but there's a reasonable doubt as to  
21      whether the defendant possessed 10 grams of  
22      methamphetamine at a given point in time, then you  
23      should find the defendant guilty of possession of  
24      methamphetamine with intent to distribute.

25             If you find beyond a reasonable doubt that the

1 defendant possessed meth -- methamphetamine, but  
2 there's reasonable doubt as to whether or not she  
3 intended to distribute methamphetamine, you should  
4 find the defendant guilty of possession of  
5 methamphetamine. The State must prove beyond a  
6 reasonable doubt that the amount of methamphetamine  
7 was either between 100 and 200 grams, 28 and  
8 100 grams, less than 28 grams, or 10 grams or less.

9 Now, ladies and gentlemen, I want to charge you  
10 that to deliver under the law means to actually  
11 constructively or attempt to transfer the drug. To  
12 distribute under the law means to deliver, other  
13 than by administration or dispensing a drug.

14 Manufacturing under the law in South Carolina  
15 means to produce, prepare, convert, process, plant,  
16 cultivate, grow, or harvest a drug naturally or  
17 chemically. Manufacturing includes any packaging or  
18 repackaging of the drug or labeling or relabelling  
19 of the drugs contained.

20 Possession of more than 28 grams, but less than  
21 100 grams creates an inference that the defendant  
22 possessed the methamphetamine with the intent to  
23 traffic the methamphetamine. This inference does  
24 not relieve the State from proving beyond a  
25 reasonable doubt that the defendant had the intent

1 to traffic in methamphetamine. It simply is an  
2 evidentiary fact to be taken into consideration by  
3 you along with other evidence in the case and to be  
4 given the weight you believe that it should deserve.

5 And I'll go over the weights again when I  
6 explain the verdict form.

7 To prove possession, the State must prove  
8 beyond a reasonable doubt that the defendant had  
9 both the power and the intent to control the  
10 disposition or use of the methamphetamine.  
11 Possession may be either actual or constructive.  
12 Actual possession means that the methamphetamine was  
13 in the actual physical custody of the defendant.

14 Constructive possession means that the  
15 defendant had dominion and control or the right to  
16 exercise dominion and control over either the  
17 methamphetamine itself or the property on which the  
18 methamphetamine was found.

19 Mere presence at the scene where the drugs are  
20 found is not enough to prove possession. Actual  
21 knowledge of the presence of the methamphetamine is  
22 strong evidence of the defendant's intent to control  
23 its disposition or use. The defendant's knowledge  
24 and possession may be inferred when a substance is  
25 found on the property under the defendant's control.

1       However, this inference is simply an evidentiary  
2       fact to be taken into consideration by you along  
3       with other evidence.

4               I want to say again that mere presence at the  
5       scene is not sufficient to prove someone guilty of a  
6       crime. A defendant's presence where a crime is  
7       being committed or mere association with a person  
8       who commits the crime does not make a defendant or  
9       accomplice or an aider or abetter of the person  
10      committing the crime.

11             The burden is on the State to prove every  
12      element of the crime charged. If you find after  
13      reviewing all of the evidence that the State has  
14      proved that the defendant was only present at the  
15      scene of the crime and that they have not proved  
16      beyond a reasonable doubt or any participation in  
17      the crime, then you must find the defendant not  
18      guilty. The law is that proof of being at the scene  
19      of a crime is not sufficient to find someone guilty.

20             I realize that the throwing of the amounts in  
21      there is a little confusing. And I've tried to  
22      correct it with the verdict form, so take what I'm  
23      telling you is the verdict form and explain to you  
24      because you'll have this with you as any correction  
25      if I have misstated an amount because I understand



1       they're confusing.

2               You're going to have basically five choices,  
3       and this is because we have in South Carolina is  
4       called a lesser included offense. They are  
5       charged -- this person is charged with trafficking  
6       meth -- methamphetamine more than 100, but less than  
7       200 grams. So you'll see, the first choice you have  
8       here, Mr. Foreman, ladies and gentlemen of the jury,  
9       is I've got a check and they are listed (A), (B)  
10      through (H) I think, but the first choice you'll  
11      have is to place a check there.

12              "As to the charge of trafficking in  
13      methamphetamine more than 100, but less than 200  
14      grams, we the jury unanimously find the defendant  
15      not guilty."

16              Now, the fact that I put not guilty first  
17      should mean nothing to you. Believe it or not, I  
18      have to tell you as a jury that something has to go  
19      first, guilty or not guilty. On this particular  
20      day, I put not guilty first.

21              The second choice you have, "As to the charge  
22      of trafficking in methamphetamine more than 100, but  
23      less than 200," and that's the same charge, "we the  
24      jury unanimously find the defendant guilty." So (A)  
25      and (B) is one choice.

1           Then when you go to (C), "As to the charge of  
2           trafficking in meth -- methamphetamine more than 28,  
3           but less than 100 grams, we the jury find the  
4           defendant not guilty."

5           Or (D), "As to the charge of trafficking in  
6           meth -- methamphetamine more than 28, but less than  
7           100 grams, we the jury unanimously find the  
8           defendant guilty."

9           (E) is another choice you have. "As to the  
10          charge of trafficking in meth -- trafficking in  
11          methamphetamine more than 10, but less than 28  
12          grams, we find the defendant not guilty."

13          "As to charge of trafficking methamphetamine  
14          more than 10, but less than 28 grams, we find the  
15          defendant guilty."

16          Now, what's confusing about this is the (A)  
17          through (J) that we have. I think it'll be clear to  
18          you, but there's -- in fact, I'm probably going to  
19          redo this. It'll be the same. You have to treat  
20          each of these crimes separately. So you're going to  
21          have to make a decision about whether or not the  
22          State has proven their case beyond a reasonable  
23          doubt as to trafficking of 100 to 200, and that is  
24          (A) and (B.) That's your choice.

25          (C) and (D) is whether or not the State has

1 proven beyond a reasonable doubt that they were  
2 trafficking in 28 to 100 grams.

3 (E) and (F) is whether or not the State has  
4 proved beyond a reasonable doubt that the defendant  
5 was trafficking in 10 to 28 grams.

6 And, again, I think the (A) through (F) is  
7 confusing, so I'm going to remove that. And I'll  
8 draw a line so you will know that there are  
9 different crimes involved in each choice.

10 You also have the choice of, "As to the charge  
11 of possession of methamphetamine with intent to  
12 distribute, we the jury find the defendant not  
13 guilty," or "As to the charge of possession of  
14 meth -- methamphetamine with intent to distribute,  
15 we find the defendant not guilty."

16 And then you have the choice of, "As to the  
17 charge of possession of methamphetamine, we find the  
18 defendant not guilty, or "As to the charge of  
19 possession of methamphetamine, we find the defendant  
20 guilty."

21 I think it will be clear when you get back  
22 there. I've just looked at this carefully and what  
23 I am going to do, Mr. Foreman, is I'm going to  
24 remove the (As) and (Bs) here, and I'm going to have  
25 a line drawn under the choices because, obviously,

1       the difference here is the amount you believe the  
2       State has proven was involved.

3               So your choices will be 100 to 200, guilty or  
4       not guilty; 28 to 100, guilty or not guilty; 10 or  
5       less, guilty or not guilty; possession with intent  
6       to distribute, guilty or not guilty; or possession  
7       simply. So I'm going to take a minute to change  
8       that and show the lawyers how I'm going to change  
9       it.

10              You will have to treat, as I said, each of  
11       these particular weights differently. You'll have  
12       to find "guilty or not guilty" based upon what you  
13       think the State proved, or if you fail -- if you  
14       believe that the State has not proved that she was  
15       intent -- that she was in possession of any of these  
16       weights, then you'll have to decide whether or not  
17       she had the intent to distribute methamphetamine, or  
18       whether she was merely in possession.

19              I guess what I'm telling you is, that it starts  
20       with the main charge of 100 to 200, and then each  
21       charge downward is a charge included in that, but  
22       lesser. You only have to make a decision on one of  
23       those. In other words, you don't have to find a  
24       person guilty of each. Basically, you're going to  
25       have to make a decision on whether or not you find

1       that the State has proved this defendant guilty of  
2       anywhere from mere possession up to trafficking in  
3       100 to 200 grams of methamphetamine.

4               I realize that is confusing, and when I looked  
5       at the (A) through (B), I realize that shouldn't  
6       have been there, so I'll -- I'll remove that. If  
7       you have a question when you begin your  
8       deliberations, I'm happy to bring you in here and do  
9       anything and answer any question you have. I can  
10      recharge you, and that's why I read it to you, on  
11      any portion of the law that you believe needs to be  
12      recharged or if you have a question.

13              There are some questions that I cannot answer.  
14      If I can't answer a question and you ask it, I will  
15      bring you in and just simply tell you that I can't  
16      answer that question.

17              But if you need my help, Mr. Foreman, just  
18      write that question out, put the time and date on it  
19      and sign it, knock on the door, and I'll bring you  
20      back in.

21              At this point, I need to correct this verdict  
22      form and remove the (As) through (J) because I do  
23      think that makes it more confusing. And then I  
24      have -- I'm going to give both sides the opportunity  
25      to ask me to change a charge or add to a charge or

1 subtract to a charge. I'm probably not going to do  
2 that.

3 So as soon as we change this verdict form,  
4 we'll deliver the verdict form to you along with  
5 anything introduced into evidence. And at that  
6 point, once the bailiff brings you the verdict form  
7 and the evidence, you can officially begin your  
8 deliberations.

9 Is the food here?

10 THE CLERK: I believe so, Your Honor.

11 THE COURT: I think the food is already here.  
12 We're kind of -- we're later than we thought. So  
13 you can go ahead and start eating, but don't begin  
14 deliberate -- deliberating on this case until we  
15 deliver the verdict form and evidence to you.  
16 Again, you've been very patient, so I'm going to  
17 send the jury back to the jury room, ask that the  
18 alternate wait in the hallway with me, and then I'll  
19 correct this verdict form. Okay.

20 (At 1:40 p.m., jury left the courtroom.)

21 THE COURT: Okay. Let me tell you what I'm  
22 doing because I realized when I was explaining to  
23 them and I think I should clear it up. I'm removing  
24 any letter and you'll see on the verdict form ---

25 MS. HUCKER: Do you mind if I come forward,

1 Judge?

2 THE COURT: Yeah, y'all come up here.

3 (Complying.)

4 THE COURT: When he corrects it, I'm going  
5 to -- it was just -- it'll be a space there and a  
6 line and a space, a space and a line, so it's clear.

7 (Counsel reviewing verdict form.)

8 THE COURT: Okay. Do y'all have any changes to  
9 the charge?

10 (Negative responses.)

11 THE COURT: All right. So officially there's  
12 no change in the charge, but y'all look through the  
13 evidence while he's correcting this. Make sure that  
14 nothing goes back that shouldn't go back.

15 (Brief recess.)

16 THE COURT: You know what? I literally --  
17 bring them back in. I forgot to tell them that  
18 their verdict has to be unanimous. That  
19 literally just -- I was thinking ahead. Bring them  
20 back in real quick, and then we'll let them go.

21 THE BAILIFF: (Complying.)

22 (At 1:43 p.m., jury entered the courtroom.)

23 THE COURT: I forgot to tell you one of the  
24 most important things because the verdict form sort  
25 of shocked me when I looked at it, and I was

1           THE COURT: Y'all hold on a minute. This is  
2 off the record.

3           (A discussion was held off the record.)

4           THE COURT: I know I went further than I said,  
5 but is there any objection? And if you got one, I'm  
6 fine to hear it with the way I answered that  
7 question.

8           MS. HUCKER: I -- I don't think so, Judge. I'm  
9 sorry.

10          THE COURT: No. No. No, I mean, look, there's  
11 no perfect verdict form, and I'm not sure if putting  
12 or -- I guess what I'm telling you is -- this is off  
13 the record now. Sorry.

14          (A discussion was held off the record.)

15          (From 5:02 to 5:14 p.m., recess while jury  
16 continued deliberating.)

17          THE COURT: All right. You can bring them in.

18          THE BAILIFF: (Complying.)

19          (At 5:15 p.m., jury entered the courtroom.)

20          THE COURT: Okay. Mr. Foreman, I understand  
21 you have a verdict.

22          THE FOREMAN: Yes, sir.

23          THE COURT: If you'd hand it to the bailiff,  
24 please.

25          THE FOREMAN: (Complying.)



1           THE CLERK: All right. This is State of South  
2           Carolina, County of Anderson, the Court of General  
3           Sessions, Tenth Judicial Circuit, *State of South*  
4           *Carolina v. Nancy Elaine Carswell*, Indictment No.  
5           2018-GS-04-02521, and this is the verdict form.

6           For number one, trafficking in methamphetamine.  
7           As to the charge of traffic -- trafficking in  
8           methamphetamine more than 100, but less than  
9           200 grams, Indictment No. 2018-GS-04-02521, we the  
10          jury unanimously find the defendant not guilty.

11          As to the charge of trafficking in  
12          methamphetamine more than 28, but less than 100,  
13          Indictment No. 2018-GS-04-02521, we the jury  
14          unanimously find the defendant not guilty.

15          As to the charge of trafficking in  
16          methamphetamine more than 10, but less than 28,  
17          Indictment No. 2018-GS-04-02521, we the jury  
18          unanimously find the defendant not guilty.

19          As to number two, possession of methamphetamine  
20          with intent to distribute, as to the charge of  
21          possession of methamphetamine with intent to  
22          distribute, Indictment No. 2018 -- 2018-GS-04-02521,  
23          we the jury unanimously find the defendant guilty.  
24          And that is signed by our foreperson October 17,  
25          2019.

1           Ladies and gentlemen, if that was your verdict  
2           in the jury room and that's still your verdict in  
3           here, please raise your right hand.

4           THE JURORS:   (Indicating.)

5           THE CLERK:   Let the record reflect that's all  
6           12 jurors.

7           THE COURT:   Okay.   And just for the record,  
8           there was a not guilty on the possession of  
9           methamphetamine and simple possession.

10          All right.   Ladies and gentlemen, thank you  
11          very much.   I have to send you back one last time,  
12          and then I'll -- the next thing you'll see is me  
13          back there to talk to you like I said.   So give me  
14          just three minutes.

15          (At 5:17 p.m., jury left the courtroom.)

16          THE COURT:   All right.   Any motions?

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

18          MS. HUCKER:   None, Your Honor.

19          THE COURT:   All right.   So this carries a  
20          potential 15-year sentence; is that right?

21          MS. HUCKER:   Yes, Judge.

22          THE COURT:   Okay.   All right.   What I'm going  
23          to do is go back and talk to them like I normally  
24          do.   As I've always told you, if they tell me  
25          something -- and occasionally they do -- that I

1 think will help you as a lawyer, I'll let you know.

2 MR. LUCAS: Your Honor, we need a couple of  
3 minutes to calculate her time.

4 THE COURT: Yeah, I'm going to let y'all do  
5 that while I'm doing that, so I'll be right back.

6 MR. LUCAS: Thank you, Judge.

7 (From 5:18 to 5:38 p.m., recess.)

8 THE COURT: I talked to them. It was read  
9 wrong. They found her guilty of possession and of  
10 possession with intent to distribute. Now that  
11 doesn't matter. That's okay because they're --  
12 they're lesser included. And your possession -- I  
13 think you can be found guilty of those two. I just  
14 don't think you can be found guilty of trafficking  
15 and possession, so...

16 MR. LUCAS: I think they don't -- if they find  
17 her guilty of PWID, they don't reach the possession.

18 THE COURT: Yeah, and that jury, you know, they  
19 were just mixed up. Nothing really. I'll tell  
20 y'all. I mean, I think through what she said.

21 So they did find her guilty of possession, but  
22 I would just do a separate sentencing sheet and run  
23 that concurrent because that only carries up to  
24 what?

25 MS. HUCKER: Three.

1           THE COURT: Three. You know, I -- I can do  
2 this -- if y'all want to go home, I can do this  
3 tomorrow. It doesn't matter to me because I don't  
4 lose possession of it until ---

5           MS. HUCKER: No, Judge. I would much rather do  
6 it tonight.

7           THE COURT: Okay.

8           MS. HUCKER: Can you give me one second to get  
9 a sentencing sheet printed?

10          THE COURT: Yeah.

11          (Brief recess.)

12          THE COURT: You can just -- just put the  
13 possession as dropped or however you...

14          MS. HUCKER: Well, we don't have anything for  
15 it, Judge, you know, there's not a record of it.

16          THE COURT: Okay.

17          MR. LUCAS: That -- that suits me fine.

18          MS. HUCKER: Okay.

19          THE COURT: All right. So just for the record,  
20 they -- the guilty verdict, because it's assumed by  
21 possession of methamphetamine with intent to  
22 distribute, it'll just be nolle prossed I guess? Is  
23 that the best way to do it?

24          MS. HUCKER: Judge, I would just think that  
25 they wouldn't reach a verdict on that. I mean, I

1 understand that they did.

2 MR. LUCAS: It's part of the same indictment  
3 though ---

4 MS. HUCKER: Correct.

5 MR. LUCAS: --- so there's -- there's not really  
6 anything to reach. So if they convict her of  
7 PWID -- PWID, there's not really any possession to  
8 convict her of would be my position.

9 THE COURT: Well, I think ---

10 MR. LUCAS: But if you want to sentence her on  
11 both, Judge. If that ---

12 THE COURT: No, I don't. Actually, I don't.  
13 I'd rather -- I just got to figure out for ---

14 MR. OPPERMAN: Could you issue a judgment  
15 notwithstanding the verdict on possession ---

16 THE COURT: Yeah.

17 MR. OPPERMAN: --- since it's already been  
18 addressed?

19 THE COURT: That's actually a good idea. I'll  
20 dismiss the guilty verdict on the possession.

21 MS. HUCKER: Thank you, Judge.

22 THE COURT: I can do that. That doesn't  
23 matter, but I do have to sentence her and then it'll  
24 be sealed. She's going to have a bad day.

25 This is off the record.

1 (A discussion was held off the record.)

2 THE COURT: All right. So just for the record,  
3 the possession charge, to clarify this, I'm -- I'm  
4 just dismissing that, overturning that verdict and  
5 dismissing the judgment notwithstanding the verdict  
6 on that, and that would just allow the possession  
7 with intent to distribute to remain.

8 What's today, the 17th?

9 MS. HUCKER: Yes, Judge.

10 THE COURT: All right. And this carries up to  
11 15 years; is that correct?

12 MS. HUCKER: That's correct, Judge.

13 THE COURT: What's her record?

14 MS. HUCKER: She has a 1994 possession of  
15 methamphetamine and a driving under suspension,  
16 second offense; a 1995, petit larceny; 2003,  
17 possession of marijuana; 2006, public disorderly  
18 conduct; 2012, two counts of PWID methamphetamine,  
19 first offense; and 2117, she had a probation  
20 violation from those two counts.

21 Your Honor, also, the State would argue that  
22 she has cut off her electronic monitor. She did not  
23 appear for trial.

24 Her co-defendant, Roy Cecil Walters, who we  
25 mentioned a few times in this trial, he did plead

1 guilty and was sentenced to ten years active.

2 For all of those reasons, Your Honor, the State  
3 is recommending the maximum sentence.

4 THE COURT: Okay. Anything from defense?

5 MR. LUCAS: Yes, Your Honor. We would, of  
6 course, ask for a probationary sentence or time  
7 served, whatever you think is the -- the lowest  
8 sentence you could give her.

9 Your Honor, I would note that Ms. Carswell,  
10 when I met with her in the past, she's in her late  
11 50s. She's overweight. She's in poor health. She  
12 has a heart condition. So I would ask you to take  
13 that into consideration in sentencing her.

14 Certainly, not give her any more time than her  
15 co-defendant, Mr. Walters, who got ten years, and to  
16 give her credit for all of her time in jail, which I  
17 have as being 126 days, and her time on electronic  
18 monitoring, which I have as 453 days, less 7, for  
19 when she cut it off.

20 THE COURT: So what is that total, 579?

21 MR. LUCAS: I've got 579, Your Honor.

22 MS. HUCKER: Is that minus seven?

23 THE COURT: So that's 572?

24 MR. LUCAS: 572 days. And we just ask that she  
25 get credit for that.

1           THE COURT: Yeah, I'll give her credit for  
2 572 days. Well, since -- you know, look, since she  
3 didn't show up, that's going to cost her too. The  
4 sentence is 12 years, but I give her credit for  
5 572 days.

6           MS. HUCKER: Thank you, Judge.

7           MR. LUCAS: Thank you, Your Honor.

8           THE COURT: All right. Thanks, y'all.

9           (At 5:44 p.m., the proceedings concluded.)

10                           - - -



## C E R T I F I C A T E O F R E P O R T E R

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

I, the undersigned, Lisa Scott, Circuit Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the trial of the captioned cause, relative to appeal in the Criminal Court for Anderson County, South Carolina, on the 17th day of October, 2019.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

April 21, 2020

/s/Lisa Scott

*Lisa Scott*  
*Circuit Court Reporter*

(864)-305-7753

7-25-2014<sup>09</sup>  
@ 9:30 AM

Stephen Dennis Harris

What time did the police enter the house?

7:00 - 7:15 pm getting dusty dark - busted door open.

Who was inside the house when the police arrived?

Him, Elaine Driver, Julie Hanks, "Little Roy"  
3 kids there 16-17 yrs. (Roy Walter's)  
in a bedroom -

What did they do to secure the house - i.e. did they search persons present in the house?

Searched everyone one @ a time - Had them all cuffed - patted each down + moved them to next room, the den while they continued searching the residence

Did they search the house for weapons etc.

Yrs, house & vehicles & carport & around outside

Did they search the house immediately after entering it?

told them they were there to search premises and said they caught lady on interstate & she led them there.

If so, where did they search?

Started in Bedroom, that had been made into a living room, one w/ bay windows @ Front door.

What did they find?

Did not know what they found - never told them. just kept them in a room.

Who saw the search?

No one everyone in den, did call  $\Delta$  in to rooms while searching. to ask her questions

How many officers were searching? 7-8 - he remembers

Do they know any of the officers by name?

NO

there were a good many. (not exact #)

If they didn't search the home immediately, at what time did they start searching?

they started immediately after entering the residence.

House belonged to Timothy Bridger.

8/12

Dylan Patterson

(864) 274-9438

What time did the police enter the house?

@ night, not sure exact time, just getting dark.

Who was inside the house when the police arrived?

Andriquer Boseman, Sister Cheyanne Patterson, a lady named Theresa (not sure last name) some others he didn't know.

What did they do to secure the house - i.e. did they search persons present in the house?

put everyone in handcuffs, thinks they did.

Did they search the house for weapons etc.

not sure, he was back room.

Did they search the house immediately after entering it?

come in, cuffed them, talked, then searched.

If so, where did they search?

in back bedroom.

What did they find?

nothing in that room.

Who saw the search?

Dylan, Cheyanne, Andriquer

How many officers were searching? approx - 11-12

Do they know any of the officers by name?

no only 1 female.

If they didn't search the home immediately, at what time did they start searching?

officers  
picked in  
door & came  
straight to  
that room to  
search first.

8/12

Marrissa - Cheyenne Patterson

(864) 276<sup>411</sup>  
9438

What time did the police enter the house?

around 8pm - 9pm

Who was inside the house when the police arrived?

Dylan + Andriquez - in room - she doesn't know who was in other rooms.

What did they do to secure the house - i.e. did they search persons present in the house?

put all in handcuffs - searched the room they were in + talked to them.

Did they search the house for weapons etc.

not sure.

Did they search the house immediately after entering it?

heard them come in, busted in door - did not

If so, where did they search?

see in any other part of house.

What did they find?

nothing in that room - only knows took a man to jail.

Who saw the search?

She didn't see - they were not allowed out of the room.

How many officers were searching? more than 10.

Do they know any of the officers by name?

no

If they didn't search the home immediately, at what time did they start searching?

DOCKET NO. <sup>2018</sup> -GS-04- 025a)

The State of South Carolina  
County of Anderson

COURT OF GENERAL SESSIONS

SEP 18 2018

TERM

THE STATE

VS.

NANCY ELAINE CARSWELL

INDICTMENT FOR

TRAFFICKING IN METHAMPHETAMINE

SC Code: § 44-53-375(C)

CDR Code: 0368

WITNESSES

Anderson Co. Sheriff's Office  
Andres F. Acevedo

ARREST WARRANT NUMBER

2018A0410100453

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury Date: SEP 18 2018

William Gottlieb  
Foreperson

VERDICT

Foreperson of Grand Jury  
Date:

RECEIVED  
OCT 28 2019  
SC Court of Appeals

STATE OF SOUTH CAROLINA  
COUNTY OF ANDERSON

INDICTMENT

SEP 18 2018

At a Court of General Sessions, convened on \_\_\_\_\_, the  
Grand Jurors of Anderson County present upon their oath:

**TRAFFICKING IN METHAMPHETAMINE**

The defendant, Nancy Elaine Carswell, did on or about March 12, 2018, in Anderson County, South Carolina, knowingly sell; manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of one hundred (100) grams or more of Methamphetamine as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1), or 44-53-210(d)(2). All in violation of 44-53-375(C) of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
CHELSEY L. MOORE  
ASSISTANT SOLICITOR

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

**RECEIVED**

**Apr 07 2021**

**SC Court of Appeals**



Adam Sinclair Ruffin  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 7th day of April, 2021.