STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Cherokee County

Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GLEN EDWARD WALDROP,

APPELLANT

APPELLATE CASE NO 2019-000989

RECORD ON APPEAL

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)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF CHEROKEE)	
THE STATE OF SOUTH CAROLINA)	
)	TRANSCRIPT OF RECORD
-vs-)	2018-GS-11-00681
)	2018-GS-11-00648
GLEN WALDROP,)	
)	JUNE 5, 2019
DEFENDANT.)	GAFFNEY, SOUTH CAROLINA

(VOLUME I)

B E F O R E:

THE HONORABLE J. DERHAM COLE, JUDGE. ; And a Jury.

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

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ROBIN FILE, ESQUIRE
ATTORNEY FOR THE DEFENDANT

MICHAEL R. WATTS
CIRCUIT COURT REPORTER

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THE COURT: All right. The next matter is the State versus Glen Edward Waldrop.

Mr. File is present with Mr. Waldrop.

Mr. Kendall is here on behalf of the State.

THE COURT: Mr. Waldrop?

THE DEFENDANT: Yes, sir.

THE COURT: Before we begin I want to inquire one more time, so I can just be sure that you have a complete understanding of what the solicitor has offered you and what you have either rejected or need to reflect upon, but --

The offer was what?

MR. KENDALL: Fifteen years, Your Honor. That would include two traffickings that were here, as well as the trafficking in Spartanburg County.

THE COURT: And the trafficking here, the amount of the drug was what?

MR. KENDALL: It was 111 grams on the traffic stop, Your Honor. A little over 111 grams, as well as the -- the second trafficking was approximately 55 grams.

THE COURT: All right. So if he would be convicted on the first, that's a mandatory minimum of twenty-five?

MR. KENDALL: Yes, sir.

THE COURT: And if he were to be convicted on the

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second one?

MR. KENDALL: That would be seven to thirty, I believe, based on second offense.

THE COURT: Okay. All right.

Mr. File, have you talked with Mr. Waldrop about the situation that he finds himself?

MR. FILE: Judge, he does not wish to accept the plea.

THE COURT: Okay.

All right, Mr. Waldrop, so you reject the offer and you wish to proceed with a jury trial.

THE DEFENDANT: Yes, sir.

THE COURT: Are we ready to select?

MR. KENDALL: We are, Your Honor.

We have, I guess, two issues.

The first would be we would request to amend the indictment on Indictment 2018-648, trafficking methamphetamine. The indictment lists March 31st. It's actually March 21st, 2018. That was just a scrivener's error, Your Honor. All the discovery points to the 21st as the date of this offense. This isn't something that's indicating additional information. I believe he was actually incarcerated on the 31st. We have advised defense counsel of that as well.

In addition, Your Honor, we are going to be

dismissing Indictment 2018-649. This was for possession of MDMA. It actually came back as methamphetamine, so there is no reason to proceed with that offense.

THE COURT: All right. Mr. File, I have two indictments here. Those indictments are 2018-00648 and 00681.

00648 alleges an event occurring on March the 31st of 2018.

Indictment 00681 alleges an event occurring on March the 21st of 2018.

Mr. Kendall has indicated that the March 31st date was --

That's the one that's in error?

MR. KENDALL: Yes, sir.

THE COURT: March 31st date was in error. It should be March 21, the same date as the other indictment.

Are these connected offenses?

MR. KENDALL: What took place, Your Honor, is there was an automobile stop where they found a little over a hundred grams of methamphetamine. From there they executed a search warrant on the hotel room that was occupied by the defendant and they found an additional fifty-five grams. It was on that same day, and the car stop was largely the basis for that search warrant.

THE COURT: Okay. So the event that you contend

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resulted in the seizure of more than a hundred grams was the result of a car stop?

MR. KENDALL: Yes, sir.

THE COURT: And the other event set forth in 00681 was a search of the hotel room?

MR. KENDALL: Yes, sir.

THE COURT: Okay.

All right, Mr. File, what's your position on the change of the date?

MR. FILE: Your Honor, we -- we would concede that these events took place on March the 21st and 22nd, I think, of 2018.

THE COURT: Now, these say 21.

MR. FILE: Well, it was 21st, that's correct.

THE COURT: All right.

MR. FILE: And that both of events did take place on that date. The chain of events basically one led into another.

Since that document is designed to put the defendant on notice, you know, and that the case file doesn't contain anything indicating that anything took place on the 31st, as well as the Indictment Number 2018-681 is being correctly dated, I don't believe we would have any issue with the amendment of the indictment.

THE COURT: All right. So y'all consent to the

amendment?

MR. FILE: Yes, sir.

THE COURT: And you are not surprised by it?

MR. FILE: No, there is no surprise.

THE COURT: All the discovery reflected the March 21st?

MR. FILE: Correct, there is no surprise, judge.

THE COURT: All right. Motion is granted.

MR. KENDALL: Okay.

THE COURT: All right. What's the next matter?

MR. KENDALL: I believe that that is it.

We did find out this morning that there was a very short video with one of the transport officers that he flipped his camera on. I don't believe it has any -- I don't believe it shows the defendant, is that correct?

UNKNOWN PERSON: It does not.

MR. KENDALL: Or anything like there. They are going to get it over here just as out of an abundance of caution, but that is outstanding, Your Honor.

I think we would be okay to go ahead and pick the jury and we didn't swear them. I believe Mr. File has a bunch of motions as well. I believe he can look at that. I don't anticipate there being anything significant, but that was somewhat of a surprise.

THE COURT: Okay. And these indictments are being

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tried together?

MR. KENDALL: Yes, sir, we would -- the State would like to try them together.

THE COURT: Is that right, Mr. File?

MR. FILE: That's my understanding, judge.

THE COURT: Okay.

MR. FILE: We will have a jurisdictional venue issue with the car stop, but we will raise that at the appropriate time.

THE COURT: All right.

Are we ready for the jury panel to come up?

MR. KENDALL: Yes, sir, Your Honor.

THE COURT: Do y'all have voir dire?

MR. KENDALL: Yes, sir.

MR. FILE: Judge, I need to -- my only request would be -- I think Mr. Kendall's voir dire covers a lot of what I would ask, but I ask that you do a voir dire question about whether anybody has a family member or connected with law enforcement.

(Whereupon, the jury venire panel entered the courtroom).

THE COURT: Good morning ladies and gentlemen of the jury panel.

We are ready to begin with jury selection in the first case that's going to require some of your

We will see you at 2:30.

(The following takes place outside the presence of the jury panel).

THE COURT: Let's take ten minutes before we begin with the hearings.

(Whereupon, proceedings were recessed)

(Whereupon, proceedings were reconvened)

(Search Warrant marked as State's Exhibit No. 1 for identification).

(Waiver and Statement marked as State's Exhibit No. 2 for identification)

THE COURT: All right, Mr. File, state your motions, please, sir.

MR. FILE: Your Honor, we move to suppress and it includes the statements made at the time of the car stop conducted by officers of the Cherokee County Sheriff's Department on exit 83 of I-85. The defendant is stating -- takes the position that the statements made at that stop were not voluntarily made in violation of his Fifth Amendment Rights under Miranda and allege an illegal search of the person and a seizure of both personal property --

Do want me to go ahead and state all of them, or --

THE COURT: Yeah, you can go ahead and state them. Tell me which one we will start with.

MR. FILE: And then subsequently -- this is just basically the chain of events that took place; the search and seizure, the car stop, location.

We would move to suppress the seizure of the black tool bag and containers that Mr. Waldrop had on his person. We don't believe the officers had reasonable suspicion or probable cause to search for contraband based on information they were provided prior to the vehicle stop and a subsequent search and seizure based on the statement, being in violation of the Fourth and Fifth Amendments and were, therefore, fruits of the poisonous tree.

And then he subsequently gave a written statement to officers. We would move to suppress that. The defendant's contention is that that statement was given under coercion or duress and was not freely and voluntarily given.

And then the fourth would be the subsequent search and seizure of contraband in room 107. We are arguing that based on the prior searches and seizures and statements taken that violated his rights, that officers shouldn't have been able to search -- to obtain a search warrant and seize evidence from that room.

THE COURT: All right.

Mr. Kendall?

MR. KENDALL: Your Honor, with the court's

permission we would request to just basically address all these at the same time. The testimony is going to be somewhat overlapping. I think it would be most appropriate.

In summary, the car stop was predicated on a traffic violation and failure to stop by Mr. Bounlort. They were Mirandized on the scene and gave statements.

The search and seizure of the car location, they had permission to search the vehicle.

In addition, it certainly would have been valid to search it subject to a search incident to arrest as they exercised the failure to stop charge. And even if that were not the whole, they took the vehicle into custody, they would have been able to search it pursuant to an inventory search.

With regard to the written statement given to the officers, you will hear testimony that it was about the circumstances pertaining to that the next day in a non-hospital environment. He was Mirandized, signed a pre-interrogation waiver form.

And then additionally the search warrant is based on information that law enforcement obtained over the course of this investigation. We will play that as well.

The State would call as their first witness Mr. Ronnie Painter.

THE CLERK: Please raise your right hand.

OFFICER RONNIE PAINTER, having been first duly sworn, testified as follows:

THE WITNESS: I do.

DIRECT EXAMINATION BY MR. KENDALL:

Q. Could you please state name and rank for the record, please?

A. Ronnie Painter, captain, narcotics unit.

Q. Where are you currently employed, Mr. Painter, Captain Painter?

A. Cherokee County Sheriff's Office.

Q. And how long have you been employed there?

A. I have been in full time since March of 2006.

Q. And very briefly what are your responsibilities, or what were your responsibilities back on March 21st, 2018?

A. I was just overseeing the Narcotics Division. We do numerous things in the Narcotics Division.

On that particular day we was called by Spartanburg County to assist in an investigation they was working on.

Q. And please describe how you became involved in that.

A. I believe it was on -- let me look at my notes.

On March the 21st, 2018 I was contacted by Investigator Mathis of the Spartanburg County Sheriff's Office. They was conducting surveillance at a residence in Spartanburg County. I don't know the exact address or the road name, stating they were watching a vehicle; had information that

it was coming possibly into Cherokee County. They contacted myself.

Myself and Sergeant Owens, David Owens, got in my vehicle and headed towards the interstate. We had information they was coming northbound in a red truck.

As we was going towards the interstate Investigator Mathis advised me that the truck was getting off at exit 92, which is here on the boulevard, and the truck went to I believe the McDonald's and we was able to pick up surveillance on the truck that they identified coming from Spartanburg County at that time.

Q. And where did you observe that vehicle go to after it left McDonald's?

A. So when the vehicle left McDonald's we followed the vehicle over the interstate and it turned left and it went to the Homestead Lodge.

Q. Did you conduct surveillance on the Homestead Lodge motel?

A. No, sir, when the vehicle turned into the parking lot of Homestead Lodge, my vehicle is known a lot here in Cherokee County, so myself and Sergeant Owens, we pulled my vehicle over to Burns Chevrolet. Investigator Mathis was able do conduct surveillance from his vehicle.

Q. Burns Chevrolet, is that fairly close to the Homestead Lodge?

A. Yes, sir, it's like kind of next door.
Q. Okay. So you were able to see the Homestead Lodge?
A. Yes, sir.
Q. You didn't pick up close surveillance, is that fair to say, on the vehicle?
A. Yes, sir, that's fair to say.
Q. But Investigator Mathis still had eyes on them?
A. Yes, sir.
Q. Okay. And when did you next receive information about movement related to that vehicle?
A. It was probably about two hours later. Investigator Mathis advised myself and Sergeant Owens that the vehicle was leaving the Homestead Lodge, stated it was two subjects in the vehicle, the driver, obviously, and a passenger, and we followed the vehicle when it left there and attempted to get on 85.
Q. Okay. And did you observe the vehicle do anything that it shouldn't do as it proceeded to attempt to get on 85?
A. Yes, sir, they failed to use a turn signal when they made a right turn to merge on the on-ramp 85 southbound.
Q. And how did you respond to that?
A. Once we got on the interstate, I got close back to the vehicle, I activated my lights and siren in order to make a traffic stop.
Q. And how did the vehicle respond?

A. At first it just kind of maintained the same speed. I didn't know at first if they seen me behind them, so we -- I was right before exit 90 southbound. I started getting over to the left number one lane a little bit so they could see my lights and hear my siren. I noticed the driver looking in his mirror, the side-view mirror. He made eye contact with me and Sergeant Owens several times.

The passenger in the vehicle, he kept turning around and looking at us, speaking to the driver. We kept giving hand signals and all to pull over several times.

The vehicle continued on southbound. We passed the 87 off ramp. They did not get off. They continued on to Spartanburg.

I notified Spartanburg County, as well as highway patrol that we was actually 10-0, we was in a chase with a vehicle, but the speed was maintained around 70, 75 miles an hour. When the vehicle got off at exit 83 southbound at the truck stop they actually pulled over then.

Q. Okay. And did you remain in --

What county is that exit 83 located in?

A. It's just in Spartanburg County.

Q. And is Spartanburg County a congruent county that Cherokee is attached?

A. Yes, sir.

Q. And over the course of that chase were you in visual

contact with that vehicle the entire time?

A. Yes, sir, I was probably three car lengths back.

Q. Did it make any stops within Spartanburg County to pick up any additional stuff?

A. No, sir.

Q. So as soon as it got in Cherokee County -- or excuse me, as soon as it got in Spartanburg County you had -- you had eyes on it from the time the chase started until the time the chase ended?

A. I did, yes, sir.

Q. Okay. What happened when you arrived at Spartanburg -- excuse me, when the vehicle stopped?

A. When the vehicle stopped I made contact with the driver. I believe his last name was Bounlort, if I'm saying it correctly. He actually jumped out of the driver's side of the vehicle. I took him into custody at that time and placed him under arrest for failure to stop for blue lights.

Q. Okay. Were there any other passengers in that vehicle at that time?

A. Yes, sir, the defendant sitting in the room.

Q. Mr. Waldrop?

A. Yes, sir.

Q. Where was he located in the vehicle?

A. He was in the passenger's side front.

Q. All right. And how did you interact with Mr. Waldrop?

A. Spartanburg -- we had Sergeant Owens -- I don't recall whether it was Sergeant Owens or whether it was some investigators from Spartanburg. Like I said, there was three people in their vehicle. I don't know who made initial contact with him, but I made contact with him probably one minute. Once I placed the driver in the handcuffs, I approached Mr. Waldrop.

Q. And how did you respond to Mr. Waldrop?

A. When I spoke to Mr. Waldrop, I Mirandized him and asked him did he not realize that we was trying to make a traffic stop and pull him over and he stated that he did. He stated that he told the driver to pull over. He didn't know why he wouldn't pull over.

Q. Okay. Did you ask for consent to search?

A. I did, yes, sir.

Based on the totality of the circumstances of them leaving and the information we already had led me to believe there was possibly illegally activity going on, so I asked Mr. Waldrop if he had anything illegal on his person or in his vehicle, and he responded yes, that he had drugs in his pocket. At that point he pulled out like a silver pill container, and he had I think two bags -- I'll have to look back. I believe it was two bags, of which he stated was methamphetamine, and there was I believe one pill inside the container and I asked what it was and he stated it was

Ecstasy.

Q. Okay. And would it be fair that later came back not as Ecstasy, it was methamphetamine, is that correct?

A. Yes, sir, that's correct.

Q. So he was Mirandized at this time. Did you ask for he and/or Mr. Bounlort to search the victim?

A. I asked both of them.

Q. And did they both give permission to search that vehicle?

A. Yes, sir, they did.

Q. And what was located inside the vehicle -- or, excuse me, what was located within the confines of that vehicle?

A. There was a tool bag on the back of the truck and inside of that tool bag there was a silver thermos and it had three plastic ziplock bags containing a crystal rock-like substance, which came back positive for methamphetamine. I believe it weighed, it was a little over a hundred grams.

Q. Okay. And what did you do at that time with regards to those defendants?

A. They were both placed under arrest and Deputy Joe Bolin transported them back to the Cherokee County detention center.

Q. Okay. And did Mr. Waldrop provide you with any information with regard to anywhere he lived or anything

about what his employment was, or anything like that?
A. Yes, sir, I did ask where they was coming from. He stated he was coming from his residence. He stated it was Homestead Lodge. He actually said he was a maintenance man -- a maintenance man there.
Q. Okay. Following his arrest how did you all proceed with this investigation?
A. Basically after they was arrested I contacted Lieutenant Brandon Gardner. He obtained a search warrant for the residence at 107, the Homestead Lodge. We done a search warrant there at that location.

Before we entered the room I made contact with the clerk at the desk of the Homestead Lodge and advised them that we had a search warrant for 107 and could they identify who lived at that residence and they printed off a paper saying it was Glen Waldrop. He was the maintenance man there and he was the only sole occupant of that room.
Q. Okay. And did you then execute that search warrant at --

So the information -- Lieutenant Gardner's information for the search warrant was relayed from you to him?
A. Yes, sir.
Q. He was not on the scene, is that correct?
A. He was not on the scene at the traffic stop, but on the search warrant he was.

Q. Okay. And did you execute the search warrant at that time?

A. Yes, sir, we did.

Q. Or shortly thereafter?

A. Yeah, I think it was like --

Q. Later that evening?

A. Yes, sir, it was like eight something that afternoon, I believe.

Q. And over the course of that search warrant what did you locate inside of the -- inside of the --

A. It was inside the -- inside the freezer -- it was just a one bedroom-like apartment, but inside the freezer there was a Folger's coffee cup container and it had methamphetamine inside of it as well.

Q. Okay.

A. I think it was approximately two ounces, or so.

Q. All right. And you seized it at that time and issued another arrest warrant?

A. Yes, sir, we did.

Q. Following the execution of the search warrant, did you talk to Mr. Waldrop?

A. Yes, sir, we did.

Q. And do you recall what day that took place?

A. Yes, sir, it was -- it was on March 22nd. It was the next day. We -- it was 1:29 p.m..

Q. And prior to this had he ever invoked any of his rights to counsel, didn't want to talk to you, anything that led you to believe that he was hostile in discussing this case with you?

A. No, sir. And when I met with him on March the 22nd, it was myself and Sergeant Owens.

When we interview someone, we always do a pre-interrogation waiver form. So he was Mirandized. And after he is Mirandized, we make sure he understands his rights and --

Q. And I would like to get that in one second.

A. Yes.

Q. Upon entering -- where did this -- where was this statement given?

A. It was at the detention center.

Q. Here in Cherokee County?

A. Yes, sir.

Q. And you testified that Mr. Owens was present. Was there anybody else with y'all in the room?

A. No, sir.

Q. Was there any -- how did the defendant appear?

A. I mean, he appeared just as good as he is today. I mean, not under the influence or anything.

Q. Okay. So he didn't appear in any way to be under the influence of any drugs or alcohol or any other substance

that would affect his ability to think clearly and understand what he was doing?

A. No, sir, he seems very intelligent to me.

Q. Did he appear to have any sort of medical issues or psychological issues that would prevent him from rendering an intelligent statement?

A. No, sir.

Q. Was there anything about the conversation that could be regarded as sort of soft intimidation?

A. No, sir.

Q. In other words, were there any dogs present?

A. No, sir.

Q. What about larger firearms? I know y'all have your -- potentially have your pistols with you. Those were at the jail or not?

A. No, sir, we have to leave them in a lock box before we enter.

Q. Anything else that was overly--

Okay. And at any time was he promised anything?

A. No, sir.

Q. What about kind of soft promises of leniency? Did y'all say "hey, you help us out and we will help you out"?

A. No, sir.

Q. Okay. And did you have him as a result of this sign a pre-interrogation form?

A. I did.
Q. I'm going to show you what is marked State's Exhibit 1 (sic). Could you please take a look at this?
A. Yes, sir, that's the pre-interrogation form we used that day.
Q. Okay. And on that pre-interrogation waiver form has he been -- is it indicated that he's been read his rights?
A. Yes, sir, that's the first I guess you can say paragraph.
Q. Did he check or initial that that had been read to him?
A. Yes, sir, on -- when we read his rights, there's actually five sentences. He read them again after I read them. Then he initialed each number identifying that he understood his rights.
Q. Okay. And did he sign that section?
A. Yes, sir. I actually signed it as well where I read him the rights. It was witnessed by Sergeant Owens and then he signed it.
Q. Okay. And did he indicate that he wished to waive his rights in the next section?
A. Yes, sir.
Q. And then did he give a -- I guess it indicates that there was an interview that started at 1:31 and ended at 1:52?
A. Yes, sir.

Q. And he signed that as well with yourself and Detective Owens?

A. He did, yes, sir.

Q. Okay. And is the statement attached hereto, if you could take a look at that, please?

A. Yes, sir, that's the statement.

Q. And is that a fair and accurate representation of the statement that he gave?

A. Yes, sir.

Q. And was he allowed to read that statement?

A. He was, yes, sir, and he actually signed it and initialed at the beginning of the paragraph and at the end so nothing could be added.

Q. And was it read to him as well?

A. Yes, sir, it was.

Q. Okay.

MR. KENDALL: Your Honor, we would just offer that I guess at this point as State's Exhibit 1 (sic) for the court to review.

THE COURT: Okay.

BY MR. KENDALL:

Q. And what is the content of that statement? In other words --

A. Would you like for me to read it?

Q. Just -- just if you could summarize it. The court

could read it.

A. Basically he just stated on that day that he was picked up by the driver of that vehicle. He was given a ride to Spartanburg.

In the statement he also stated that he took some methamphetamine that was with him there to Spartanburg and he also had some in his pocket as well as what we found at the hotel was his as well.

Q. Okay. So he claimed basically the narcotics that were taken with him, were left at the hotel and in his pocket?

A. Yes, sir. He also identified what he had the meth placed into as well.

Q. Okay. And did you attempt to interview the driver of the vehicle, Mr. Bounlort?

A. I did, yes, sir.

Q. And did Mr. Bounlort give a statement in any way?

A. No, sir, he just basically stated he wanted to -- before he gave a statement he wanted to talk with his attorney first.

Q. And did you terminate the interview at that point?

A. I did, yes, sir.

Q. So there was not -- in the same case you attempted to get another statement. When they said no, you just stopped, is that fair to say?

A. Yes, sir. I stopped, yes, sir.

Q. And in this case he indicated that he did wish to participate and you took a statement, is that fair to say?

A. He did, yes, sir.

Q. Okay. And I saw that the statement lasts for about twenty minutes or so.

Was there anything else that he said to you in his discussions that led you to believe that -- was this consistent with what he was telling you before it was placed on paper?

A. Yes, sir. The only other thing he stated that is he didn't know why the other guy was arrested, it was his drugs.

Q. Okay. Please answer any questions Mr. File may have.

A. Yes, sir.

CROSS EXAMINATION BY MR. FILE:

Q. Investigator Painter, you initially received information from the Spartanburg County Sheriff's Office about Mr. Bounlort and his vehicle, is that right?

A. Not Mr. Bounlort. He just said there was pulling surveillance over there.

Q. Okay.

A. I don't know exactly who they were trying to identify.

Q. All right.

But Mr. Waldrop's name wasn't entered into any -- hadn't entered into it at this point, is that correct?

A. That's correct.
Q. Okay. All right.
Now, you did make contact with the vehicle, but you did not follow it to the motel yourself, that's correct, isn't it?
A. We -- we followed it from McDonald's.
Q. Okay.
A. We made contact there off the boulevard.
Q. All right.
And once the motel -- once you saw it was headed to the motel, though, you stopped your surveillance of the vehicle, is that right?
A. Yes, sir, I -- I -- once we pulled over, he was going to the motel, investigators from Spartanburg County was able to pick up surveillance.
Q. Okay. All right.
Now, you don't have cameras in your vehicle?
A. No, sir, none of our undercover vehicles has cameras.
Q. The sheriff's office does have other vehicles with cameras, don't they?
A. The sheriff's office?
Q. Yes.
A. They do. The road patrol, yes, sir.
Q. All right.
Did you not think to call in a road patrol vehicle to

film any of this?

A. No, sir, we never actually call road patrol when we do any type of surveillance. We don't want to be seen by the people that there is marked cars around.

Q. And you don't have body cameras either?

A. No, sir, we didn't get issued body cameras until just a few months ago. Had we had them I would have had one on that day.

Q. The next thing you know is you get a call from the officer surveilling the motel telling you they are leaving the motel, is that right?

A. Yes, sir.

Q. Again, the only person that you knew at this time was Mr. -- was the person driving the red truck, that's right, isn't it?

A. I didn't know who he was. The only thing I knew then once they left, there was two people in the truck.

Q. All right.

And it's your testimony that you saw the vehicle not make a turn signal in getting on I-85?

A. Yes, sir, myself and Sergeant Owens witnessed that.

Q. And so you decided to stop the vehicle based on that?

A. Yes, sir.

Q. You followed the vehicle down I-85 to exit 83 in Spartanburg County?

A. Well, with our lights and sirens on, yes, sir, trying to get the vehicle to pull over.
Q. Okay. And --
A. I actually went 10-0. We was actually in a vehicle chase with 911.
Q. At what point did you notify highway patrol or any other -- or Spartanburg County?
A. Spartanburg County, some of the guys was already behind us with us, but when we was -- I would probably say once we passed the 87 I notified dispatch to advise Spartanburg County highway patrol that it's possible we're coming into Spartanburg County.
Q. So the Spartanburg County officers that was surveilling the motel were also with you?
A. Yes, sir, they caught back up to us once we got on the interstate.
Q. Okay. When the vehicle stopped at Exhibit 83, then you approached the vehicle. Who else approached the vehicle?
A. It was myself. I remember Sergeant Owens being there. Investigator Mathis, and I think it was Investigator Roper, and I believe Ruann that works for Spartanburg County.
Q. Okay.
A. I don't believe I'm leaving anyone out.
Q. And none of these officers had body cameras?
A. No, sir, everybody works in narcotics and doesn't have

body cameras.

Q. And there are no cameras in the vehicles?

A. No, sir, we -- they are not equipped with them and probably will not ever be.

Q. And you said Mr. -- the person later identified as Mr. Bounlort exited the vehicle, is that correct?

A. Yes, sir. As we pulled them over, yes, sir.

Q. All right.

A. I'm not sure. I believe the defendant did as well. I'm not sure.

Q. And you placed Mr. Bounlort in handcuffs, that's correct, isn't it?

A. Yes, sir.

Q. All right.

And at some point you asked him for consent to search the vehicle?

A. I did, yes, sir.

Q. All right.

Did -- did you not notice that Mr. Bounlort seemed to have not too good command of English, of the English language?

A. No, sir, he appeared to understand what I was saying.

Q. Appeared to understand.

How did he -- how did he appear to understand that?

A. I basically got out and told him he was under arrest

for failure to stop for blue lights and turned around and put his hands behind his back and he did. He complied. He seemed like he understand what I was saying.

Q. All right.

And you said Mr. Waldrop -- you asked for Mr. Waldrop's consent?

A. I did, yes, sir.

Q. All right.

Did you write a report on this case?

A. I did, yes, sir.

Q. All right.

Would it surprise you that none of this is in your report? You indicated that you only asked Mr. Bounlort for consent to search.

A. Let me look over it right quick.

I had asked the man why they didn't pull over. Glen stated he told Bounlort to pull over, but he wouldn't. He didn't know why.

And Captain Painter asked Glen if he had anything illegal on his person or in the vehicle and he stated he did not, but he had drugs in his pocket.

Before I could ask for consent he voluntarily gave me the container that was in his pocket.

Q. But you did -- but it says that "Painter asked Kolarb did he not stop because he had something illegal in the

vehicle and he stated that he did not and gave Captain Painter consent to search."

A. Yes, sir, Kolarb.

Q. But that was not Glen Waldrop that gave consent to search?

A. No, sir, when I asked Glen then if he had anything on his person or in the vehicle that was illegal, he stated that he did. He had drugs in his pocket, so I didn't ask for consent. He pulled them out and gave them to me voluntarily.

Q. All right.

And you said that before that you had read Mr. Waldrop his Miranda Rights, is that correct?

A. Yes, sir.

Q. All right. And, again, none of that was caught on camera or anything?

A. Again, we don't -- we didn't have cameras in our vehicles.

Q. All right.

A. I mean, I have witnesses. Sergeant Owens was there. I know -- I'm pretty sure he heard me, and other officers.

Q. All right.

Then after that you obtained a search warrant for the room 107 at the Homestead Lodge, is that correct?

A. Yes, sir, we did.

Q. All right.

What was that search warrant based on?

A. It was based on basically the totality of the circumstances from everything that -- from what we did up and to that point.

Q. Okay. Was that -- how did you get in that room?

A. The people at the -- I don't remember the person's name, but we went to the front desk first and they went with us and unlocked do the door with a key.

Q. Do you have any -- of course, you didn't surveil the motel room. You have already stated that.

Did you see anything removed from that room when these -- when Mr. Waldrop and Mr. Bounlort left that room?

A. I didn't surveil it, sir.

Q. Okay.

The -- let's go back to the tool bag that was found in the truck.

A. Okay.

Q. All right.

You said the drugs were -- some drugs were found in the canister in that tool bag?

A. Yes, sir, it was like a silver container.

Q. Okay.

Now, as far as Mr. Waldrop's statement, you went to the jail to speak with him. That was the next day?

A. Yes, sir, it was the next day.

Q. All right.

When you started talking with Mr. Waldrop --

I'm assuming that you talked with Mr. Waldrop a little bit before he gave that -- actually wrote out a statement, is that -- or did he not write the statement?

A. No, basically once we go in there, we told him, you know, what we was there for and I read him his Miranda Rights and told him we was going to talk to him about the traffic stop and the drugs that was found in the room.

Q. All right.

Now, Mr. Waldrop somewhere during that conversation, he expressed some concern about his friend Mr. Bounlort, did he not?

A. The only thing he stated that he didn't know why the other guy was arrested, because the drugs that was found inside the vehicle was his, and in the hotel.

Q. All right.

And did you -- did you make him any -- did you discuss with him about anything that he could do to help Mr. Bounlort?

A. No, sir, because the drugs wasn't his he said.

Q. So you didn't make him any promises about not charging Mr. Bounlort or freeing Mr. Bounlort based on -- based on him giving a statement claiming the drugs?

A. No, sir.
Q. All right.
Now, you -- you went to the detention center the next day to talk to Mr. Waldrop. You knew you were going over there to talk to him, didn't you?
A. I did, yes, sir.
Q. All right.
Did it not occur to you to take an officer with a camera or to record this in some way?
A. I have never recorded an interview in the nineteen years I have been in law enforcement.
Q. But yet body cameras are -- you have officers that are equipped with body cameras?
A. No, sir, not at that time. They had in-car cameras and they had like the mike that went to the camera, but not body cameras. We had body cameras after this incident.
MR. FILE: That's all I have.
MR. KENDALL: Just very briefly. Two things, Your Honor. I just need to make sure we are clear on something.
REDIRECT EXAMINATION BY MR. KENDALL:
Q. Narcotics didn't have body cameras at that time. There were a couple of officers here and there on patrol that had them, is that right?
A. Well, they didn't have body cameras. They just had in-car video cameras.

Q. What about -- I thought that you were doing a project in March of '18 that would have had some type of body camera and they were trying them out?

A. It's possible. I'm not familiar with it, if they did.

Q. Okay.

A. It's possible.

Q. And just to clarify something. You all couldn't see his room at the Homestead Lodge, but you all could see the Homestead Lodge, is that fair to say?

A. Yes, sir.

Q. Okay.

MR. KENDALL: Nothing further, Your Honor.

THE COURT: You can step down.

THE WITNESS: Thank you.

MR. KENDALL: Your Honor, at this time the State would call David Owens.

THE CLERK: Please raise your right hand.

OFFICER DAVID OWENS, having been first duly sworn, testified as follows:

THE WITNESS: I do.

DIRECT EXAMINATION BY MR. KENDALL:

Q. Could you please state your name, rank, and place of employment for the court, please?

A. I'm David Owens, a sergeant with the Cherokee County Sheriff's Office narcotics unit.

Q. All right.

And on March 21st, 2018, were you working a case here in Cherokee County?

A. Yes, sir.

Q. And who were you working with at that time?

A. I was working with Ronnie Painter. Captain Painter.

Q. Were you all in the same vehicle at that point?

A. Yes, sir.

Q. So you all were.

Were there any outside agencies who were involved in this as well?

A. Spartanburg County.

Q. And did you receive any information that day about potential drug transaction that could be going on, or potential narcotics activity? Let me reword that properly.

A. Yes, sir, we did.

Q. What did you understand was happening?

A. We was advised that there was a red Toyota truck coming from Spartanburg and possibly going to the Homestead Lodge.

Q. All right.

And where did you make contact with that vehicle?

A. When we started up Floyd Baker they advised us it was at McDonald's. We turned in at McDonald's and made contact with the vehicle there.

Q. All right.

And did you all -- where did that -- where did that vehicle go?

A. It left McDonald's and went to the Homestead Lodge.

Q. And did you go with it into the Homestead Lodge?

A. No, sir.

Q. Where did you all go?

A. We parked on the back side of Burns Chevrolet.

Q. And from there what was the -- what was your next involvement?

A. We just sat there and watched Spartanburg County surveil the vehicle at the Homestead Lodge.

Q. And what happened when the vehicle left?

A. When the vehicle left, it started down and we pulled out and got behind it. We observed it not to use a signal when it entered the on-ramp going onto 85.

Q. All right.

And did you attempt to execute a traffic stop?

A. Yes, sir, we did.

Q. And did the vehicle stop for you at that time?

A. No, sir.

Q. Where did the vehicle go?

A. It continued down the Interstate 85 southbound towards Spartanburg.

The driver was looking in the side-view mirror looking at us. The passenger kept looking over his shoulder looking

back at us, sort of like shrugging his shoulders. We was motioning for them to pull over, but he never did until we reached inside of Spartanburg County.

Q. All right.

And did the vehicle stop at that time?

A. Yes, sir, it turned in at exit 83.

Q. And did you approach the vehicle at that time?

A. Yes, sir.

Q. And upon approaching the vehicle what took place?

A. Right when we pulled up, both -- I believe both of them got out of the vehicle. Captain Painter went to one side. I went with him and one of the Spartanburg agents went to the passenger's side, I believe.

Q. And who was in that vehicle at that time?

A. The driver was Bounlort, something like that, and the other one was the defendant.

Q. Okay. And were the defendants allowed to stay inside their vehicle?

A. No, sir.

Q. And what happened when they got out?

A. Once they got out, Captain Painter went and asked Bounlort why he had not stopped. He told him he was under arrest for failure to stop for the blue lights.

Q. Okay. And did you observe if Miranda was read to either or both of these --

A. Yes, sir.
Q. -- defendants?
A. Yes, it was read to both of them.
Q. Read to both of them. Okay.
And following that was consent to search asked for Mr. Bounlort?
A. Yes, sir.
Q. And did you observe anyone talking to Mr. Waldrop?
A. Across the truck, I don't know. It was one of the Spartanburg agents. I'm not sure which one.
Q. Okay. Were you -- did you witness him being Mirandized?
A. When Captain Painter went around and told me to Mirandize him also.
Q. And were you able to see when he handed over the narcotics he had on his person?
A. All I saw was it looked like a little plastic bag and it was silver, like what we call a pill container.
Q. Okay. And from there what took place with these defendants?
A. Both of them were placed in cuffs and took to the back of the vehicle. At that point I started searching the cab of the truck.
Q. Okay. And you were in the cab of the truck when the narcotics were found in the back of the truck, is that fair

to say?

A. Yes, sir, I was.

Q. Okay. And what took place --

So once they were transported, what happened next?

A. Once they were transported, we got all the drugs. I took pictures of all the drugs that was laid out on the tailgate of the truck. After that I actually drove the truck back to the office.

Q. Okay. And did you all stop the investigation at that point?

A. No, sir.

Q. What happened after that?

A. After that Captain Painter called back to Lieutenant Gardner and got a search warrant for apartment 107 at the Homestead Lodge.

Q. Okay. And did you execute a search warrant at the Homestead Lodge?

A. We did, sir.

Q. And what was found there?

A. I was searching the back side, but they had found like a Folger's plastic container that had drugs in it inside the freezer of the refrigerator.

Q. And you were -- just to be clear, with regard to the truck stop, you were searching the inside. Lieutenant Painter was searching the back, is that correct?

A. I don't know who was searching the back. I was inside the cab looking around when they actually found the tool belt and the drugs and stuff like that.

Q. And did you subsequently interview the defendant the next day?

A. I sit in while he was being interviewed, yes, sir.

Q. Okay. And you heard Lieutenant Painter's testimony awhile ago. We don't need to go through the entire form again. Is it fair to say that he was, in fact, Mirandized?

A. Yes, sir.

Q. Did he sign the form indicating he was Mirandized?

A. Yes, sir.

Q. I believe your signature is on here in multiple places.

A. Yes, sir.

Q. Are these a fair and accurate accounting of your signature in each of these?

A. Yes, sir, it is.

Q. Okay. And as you saw it, did he appear to be -- in any way -- did he appear to be in any way under the influence at all?

A. No, sir.

Q. Did he appear to be coerced in any way?

A. No, sir.

Q. What about kind of soft coercion, dogs, big guns, or anything like that?

A. No, sir.
Q. While you were there was he promised anything?
A. No, sir.
Q. Promises of leniency to himself or others?
A. No, sir.
Q. Did he appear to be -- have some sort of medical condition that prevented him from -- or testifying --
A. No, sir, he did not.
Q. Or excuse me, from providing accurate information?
A. No, sir, he did not.
Q. At any point in time did he ask to leave, again to go to the bathroom, or eat, or something like that?
A. No, sir.
Q. So what would be the firm -- or what would be the basic, you know, human needs, were not -- somebody was helping them in order to give a statement?
A. Well, it was not.
Q. And I'm going to show you the statement. Is your signature on this as well?
A. Yes, sir, it is.
Q. And was this a fair and accurate statement of what was going on?
A. It's exactly what he told us what happened.
Q. Okay. And are those his initials? Did he place those there?

A. Yes, front and the bottom, top and bottom.

Q. And were those -- was this statement read to him?

A. Yes.

Q. Okay. Just, in your opinion, in assessing the entire situation, was that a free and voluntary statement that was given?

A. Absolutely it was.

Q. Please answer any questions that Mr. File may have.

CROSS EXAMINATION BY MR. FILE:

Q. So, again, you were in the vehicle with Captain Painter, is that correct?

A. I was, sir.

Q. All right.

And you never actually laid eyes on the door to the room 107 at Homestead Lodge to see who was going in and out of that, correct?

A. No, sir.

Q. You couldn't tell what kind of activity was going on in that room or who was coming in and out?

A. No, sir.

Q. Okay. Now, you picked back up surveillance of the vehicle, of the red truck, after it left the Homestead Lodge?

A. As soon as it left the lodge we got in behind it, yes, sir.

Q. And it came down the road and got on the entrance ramp to I-85?
A. Yes, sir.
Q. All right.
And that's a one-way entrance ramp. Nothing -- no traffic can come -- you know, if you get on the entrance ramp, you got to go on I-85, is that correct?
A. That's correct.
Q. All right.
And it's your testimony that you didn't see the red truck give a turn signal as he's merging onto I-85?
A. No, sir. As he's merging onto the on-ramp off the roadway, you have to signal to turn onto that on-ramp.
Q. So he made a right turn off the roadway onto that ramp and that's where you didn't see a signal?
A. That's where he didn't give a signal, yes.
Q. Okay. And so y'all determined to make a stop at that point?
A. Yes, sir.
Q. Okay.
Now, when you -- when Mr. Bounlort finally stopped that red Toyota truck, you said he got out of the vehicle and Mr. Waldrop got out of the vehicle?
A. I believe both exited the vehicle.
Q. Okay. You hadn't seen any drugs up to that point, had

you not?

A. No, sir, I had not.

Q. Okay. You didn't know if there was drugs in the vehicle or not?

A. No, sir.

Q. Okay. Mr. Bounlort --

Captain Painter testified that Mr. Bounlort seemed to understand English.

A. That's correct.

Q. Is it your testimony that he understood English, or not?

A. He under enough to know to turn around and put his hands behind his back when he was told.

Q. Okay. And you are saying Mr. Bounlort gave consent to search his truck?

A. Yes, sir.

Q. And you have testified that Mr. Waldrop was read his Miranda Rights --

A. Yes, sir.

Q. -- at that point?

A. Yes, sir.

Q. Okay. And you found some drugs on Mr. Waldrop's person?

A. Mr. Waldrop gave the drugs to Captain Painter while I was standing there.

Q. Okay. And then you searched the truck and found the -- in a -- in the black bag in the back of the truck?
A. I searched the cab. I was inside the cab when they discovered the drugs.
Q. All right.
So you didn't see any drugs from the back of the truck?
A. I didn't see him find the drugs. Now, I did photograph the drugs once they laid them out.
Q. All right.
Now, were you involved in the -- you were involved in the search of the motel room?
A. Yes, sir, I was.
Q. All right.
And then you were also present when you went to the jail, when you and Captain Painter went to the jail to talk to Mr. Waldrop, is that correct?
A. Yes, I was.
Q. All right.
And you didn't take up any type of camera with you, or any officer with a camera with you, or anything?
A. No, sir.
Q. And you knew well beforehand that you were going to go talk to Mr. Waldrop. That's part of normal procedure after you arrest somebody like this in a case like this is to try to talk to the defendant and see if he will give a

statement, don't you?

A. Yes, sir. We always do handwritten statements.

Q. But you didn't -- you didn't take a camera to record it?

A. No, sir. That's nothing we do, no, sir.

Q. But it's your testimony that he was read his rights, he understood his rights, and it was all free and voluntary?

A. Absolutely.

Q. Did he write that statement or did somebody write it for him?

A. He told us what to write. Captain Painter wrote the statement.

Q. So the statement is written in Captain Painter's handwriting?

A. It's written in Captain Painter's handwriting, yes, but it's also always read back to them, the suspect at that time.

Q. Do you recall him expressing concerns for his friend Mr. Bounlort during those conversations leading up to the --

A. The only thing he was concerned is he said that it appeared we wanted him to say that Bounlort, it was his drugs. Mr. Bounlort -- is not Mr. Bounlort's drugs.

Q. Did he say anything to the effect that he would sign anything, as long as you all let Mr. Bounlort free?

A. No, sir. Nothing like that.

MR. FILE: That's all I have.

MR. KENDALL: Just briefly, Your Honor. Two things, Your Honor.

REDIRECT EXAMINATION BY MR. KENDALL:

Q. Was Mr. Bounlort set free at that time?

A. No, sir.

Q. Was he charged with trafficking at that time?

A. Yes, sir.

Q. At that point and subsequently resolved it.

A. Yes, sir.

Q. Did y'all interview Mr. Bounlort as well, or attempted to?

A. Attempted to.

Q. Did he understand the Miranda waiver form and everything like that as you gave it to him?

A. He did, sir.

Q. Did he ever ask for an interpreter to take any action that you believed he needed an interpreter?

A. No, sir.

Q. Okay.

MR. KENDALL: Nothing further, Your Honor.

THE COURT: Step down.

MR. KENDALL: Your Honor, the State would call Brendall Mathis.

THE CLERK: Please raise your right hand.

OFFICER BRENDALL MATHIS, having been first duly sworn, testified as follows:

THE WITNESS: Yes, ma'am.

DIRECT EXAMINATION BY MR. KENDALL:

Q. Could you please state your name for the record?

A. Investigator Brendall Mathis. I am employed with the Spartanburg County Sheriff's Office.

Q. Investigator Mathis, on March 21st, 2018 were you conducting a surveillance operation originally from Spartanburg County?

A. Yes, sir.

Q. And who were you conducting surveillance on?

A. The address is located at 2049 South Church Street in Spartanburg. I had received some information that a male that was identified as "Lock", which his real name was Kolarb Bounlort. That was the address that I was watching to begin with.

Q. All right.

And did Mr. Bounlort stay at that address?

A. Yes, sir.

Q. And did he stay at that address that day, I'm sorry?

A. Yes, sir. He was there when I began surveillance and he left -- subsequently left that.

Q. All right.

And where did he go once he left the address?

A. He left Spartanburg headed towards Gaffney.

Q. All right.

And how did you respond?

A. I began -- I just began surveillance on the vehicle.

As we got on the interstate headed towards Gaffney I made contact with Cherokee County Sheriff's Office, some of the guys in narcotics to try and assist us with surveillance and see where it actually ended up, where the vehicle actually ended up.

Q. All right.

And where did it ultimately end up?

A. It ended up at the Homestead Lodge located at 136 Peachoid Road in Gaffney.

Q. Okay. And do you recall what room it was in?

A. It was 107.

Whenever -- whenever they arrived, the truck that Mr. Bounlort was driving actually pulled and parked in front of that specific room.

Q. Okay. And did you continue to surveil that room 107?

A. Yes, sir.

Q. What happened next?

A. We sat -- we sat on the room for quite awhile and eventually Mr. Bounlort exited the room and went to the truck, drove to the left side -- from my perspective where I

was sitting drove to the left side of the motel and met with another white male, who placed a couple of bags into the back seat and the white male got into the passenger's seat and they left and at that point the Cherokee County guys picked up the surveillance from there.

Q. Okay. These bags, were these pretty big trash bags?

A. From the left side of the hotel they looked like big -- you know, large black trash bags.

Q. Okay. And did y'all kind of continue on the surveillance as well from there?

A. I -- eventually I caught up, but I had several of our guys that were there as well trying to assist with surveillance. They -- they had got them at the exit that they stopped prior to me.

Q. Okay.

A. I -- I eventually got there, but it took me a little bit longer than them.

Q. And were you -- did you witness when they first got them out of the car, or did you come later for that?

A. No, when I got there they were both already out of the vehicle.

Q. Okay. So you weren't there for Miranda?

A. No, sir, I was not.

Q. Were you there for the search of the vehicle at all?

A. Yes, sir.

Q. Do you recall what they found there?
A. We were -- we were at the back of the truck bed and they -- they advised they had found a silver container, and inside that silver container they found some crystal substance that they believed at the time to be methamphetamine.
Q. Do you recall what sort of container the silver container was located in?
A. You mean from in the truck bed?
Q. Yes.
A. It was like a black tool bag.
Q. Okay. And did that appear to be the same one as you saw being carried out of the room?
A. Yes, sir. While I was doing surveillance I observed Mr. Bounlort carry that bag from the room and actually placed it into the bed of the pickup truck before they left.
Q. And just carrying the bag, was there any way to tell if there was any narcotics in it, or anything like that?
A. No, sir, from where I was at I couldn't see that. I just observed him bring the bag out and put it in the bed of the truck.
Q. So somebody had said take this bag out, there would be no way from the outside being able to determine if there was narcotics in there?
A. Correct.

Q. And that was room 107 that it came out of?
A. Yes, sir.
MR. KENDALL: I have nothing further, Your Honor.
CROSS EXAMINATION BY MR. FILE:
Q. Investigator Mathis, you said that you originally started staking out Bounlort's house on South Church Street?
A. Correct.
Q. Okay. And that was based on some information that you received in Spartanburg County?
A. Yes, sir.
Q. And you followed the vehicle all the way to Cherokee County?
A. That's correct.
Q. That's what you did?
Okay. And once you saw it was coming into Cherokee County you contacted narcotics?
A. Correct.
Q. Okay. And you continued to follow the vehicle to Homestead Lodge, where it parked in front of room 107?
A. Yes, sir.
Q. Okay. At that point in time you -- you didn't -- you hadn't seen Glen Waldrop, or you didn't know who Glen Waldrop was, did you?
A. I knew who Glen Waldrop was, but I had not seen him then.

Q. All right.

And you said that you sat on that room watching that room for how long?

A. I started at around two o'clock with surveillance on the house in Spartanburg. And then at approximately 7:30 that evening is when I saw them leave the room.

Q. Okay. But at what point did you arrive at the Homestead Lodge and start watching that room? Do you know?

A. I don't have it specifically in the report. I would say maybe thirty minutes, or so, for us to get from the house in Spartanburg up to the hotel.

Q. Okay. You -- and while you were watching that room, you didn't see multiple entries or exits, or anything of that nature, that's correct, isn't it?

A. Correct.

Q. Okay. You didn't see Mr. Waldrop go in that room, did you?

A. My assumption was he was already in the room, because they left together. When Mr. Bounlort carried the tool bag out to the truck, Mr. Waldrop left that same exact room, but walked to the left side -- again, from my perspective, down to the left side of the hotel.

Q. Okay. And it was Mr. Bounlort that was carrying the tool bag?

A. Correct.

Q. All right.

And you said Mr. Waldrop exited the room and went to the left side of the motel and Mr. Bounlort pulled around to that location, is that correct?

A. Correct.

Q. All right.

And at that point in time you saw Mr. Waldrop put some trash bags in the truck?

A. That's what it looked like to me. It looked like a couple of trash bags they put into the back seat of the truck and then he got into the passenger's side and they pulled out.

Q. Okay. And then you followed the vehicle down 85 while they were trying to stop it?

A. No, sir.

Q. You did not?

A. No, sir, I -- some of my -- some of the other guys from Spartanburg that were up there assisting us were the ones that were behind Captain Painter at the time. I was just trying to catch up to them.

Q. Okay.

MR. FILE: That's all.

MR. KENDALL: Nothing further.

THE COURT: Step down.

MR. KENDALL: I don't know if we need to put up --

THE COURT: Let's take a ten minute break while you do that.

MR. KENDALL: Your Honor, it may be -- that may be our last thing. We just --

Do you have any opposition on this? This is just Lieutenant Gardner's search warrant that I was going to put it. You challenged the search warrant, so I was going to put it --

MR. FILE: No challenge.

MR. KENDALL: If Your Honor just wants to look at it, that would probably be just as easy.

THE COURT: Okay.

MR. KENDALL: And that would be all we would need for --

I'm also passing up the statement as well, instead of him reading it, just let the court look at it.

THE COURT: All right. That's all from the State?

MR. KENDALL: Yes, sir, Your Honor.

THE COURT: Mr. File, are you going to offer any testimony?

MR. FILE: Mr. Waldrop would like to testify.

THE COURT: We are going to take a ten minute recess before we do that.

(Whereupon, proceedings were recessed)

(Whereupon, proceedings were reconvened)

THE COURT: Mr. File?

MR. FILE: Your Honor, we call the defendant to testify.

THE CLERK: Please raise your right hand.

GLEN EDWARD WALDROP, having been first duly sworn, testified as follows:

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

DIRECT EXAMINATION BY MR. FILE:

Q. Please state your name for the record.

A. My name is Glen Edward Waldrop.

Q. All right.

And Mr. Waldrop, you are currently residing in Spartanburg County, is that correct?

A. Yes, sir.

Q. All right.

And you have heard the testimony today regarding Mr. -- regarding this case and the facts of the case.

You were with Mr. Kolarb Bounlort when you left the Homestead Lodge on March 21st, is that correct?

A. Yes, sir.

COURT REPORTER: Pull up closer to the microphone.

BY MR. FILE:

Q. And at some point after you got on I-85 with him, did you see officers trying to stop the vehicle?

A. Around exit 90 he asked me if we was being pulled over.

I looked at the speedometer and it said 52 and we had our seatbelts on, so I said "maybe they are just slowing people down because of the construction." We never sped up or anything. He stayed right at 52, 53.

Q. So he was driving about 52 or 53 miles an hour --

A. Yes, sir.

Q. -- down the interstate?

A. Yes, sir. The construction is only 55 miles an hour speed limit.

Q. All right.

And he did end up pulling over on exit 83, is that correct?

A. Yes, sir. Yes, sir.

Q. Okay. And when he --

Well, what happened after he pulled over?

A. Well, when he pulled over, then there was several cars behind us. I didn't know what was going on. They come -- after he hollered the guns was on us, you are under arrest, I was wondering what did we do wrong? You know, what did we do wrong? And there was the one who stopped for blue light, I said "we didn't break no law. He was driving under the speed limit and we had our seat belt on. Why did you pull us over," and they just -- you know, everything just started happening after that.

Q. All right.

How long have you known Mr. Bounlort?

A. I have known Mr. Bounlort about four and a half years, four and a half.

Q. All right.

And how would you -- how would you describe to the judge his understanding of the English language?

A. Very limited. He does not understand that there are so many different meanings for certain words. Me and him have known each other for four years and he still don't understand what I say all the time. I mean, I have to, you know --

Q. How do you --

A. I pretty much have to spell -- you know, do sign language for him to understand what I'm doing.

Q. I was going to ask you how do you communicate with him?

A. I have to -- I have got the -- one-handed and, you know, and most of the time, you know, I have to put my hand on it and show him what I'm talking about, you know.

Q. Okay. All right.

At any -- what was the behavior of the officers toward him when he got out of the vehicle?

A. I mean, I guess they was just being like police officers, you know, just being real, you know, stern and forceful, you know, just like they always do. But, I mean, to him he's never been in trouble with the law. He don't

know. It scared him to death. He didn't know what to do, you know.

Q. Okay.

A. That's why --

Q. Did he ask for a translator at any point in time?

A. I believe he told me he did and they said that they didn't have a Cambodian translator in South Carolina.

Q. Okay.

Now, this motel room, room 107, on that particular day you came out of the motel room and I believe they said Mr. Bounlort was seen carrying a bag --

A. Well, yes.

Q. -- is that correct?

A. Yes, sir.

Q. How did that take place?

A. Well, I carried that bag from the back room where it had been for four months.

Q. And where was it stored? Where was the bag stored?

A. I believe at that time -- well, I know at that time it was the second part of our renovations. We were tearing the whole motel down, you know, renovating the whole thing.

There is no doors on any of that part. The first section we turned over in the back and we was in the middle section. I was in the process of working on putting the door locks together for the new part and I needed that bag,

because it had my plumbing materials in it from stuff I had to do at home. I took it. I brought it in the room. I had to go and get my clothes out of the washing machine and emergency stop that. They were soaken wet when they pulled us over. They were still in the black bag that I put in the back of the truck with these trash bags.

I handed him that bag and he walked out the door. I walked in the door, handed every bag and said "I'm going to get the stuff" and I walked back out.

Q. And so it's your testimony that the bag was -- had been in some room for storage?

A. Yeah, my tool bag, it was around my tools, my tool cart. I had it wrapped around it because it's where I keep my plumbing stuff. I do a little bit of everything. I had it wrapped around that. I needed it on. I undone it and I took it to the room. And then when they pulled it out, that was the first thing I had on. You know, I don't know where it came from, but I wasn't going to let him take the blame for something he don't even -- he ain't never even done drugs. I have, and --

Q. All right.

Well, let's go -- let's go to taking the -- you were talking about taking the blame.

The statement that you gave at the Cherokee County detention center, you heard the officers testify about how

that statement was taken. Do you recall something different about that?

A. I told him I would sign anything they wrote down, as long as they would let him go, because he was innocent. And --

Q. All right. Were they --

A. Well, I saw him back in and they didn't let him go. So, I mean, they never answered me, but --

Q. Were there any cameras or recording devices taken for that?

A. When they told me -- when they were sitting there with their little camera right there and the tape recorder in front of them, they said "you are being recorded," I just said "yes, sir."

Q. So you are saying they had a camera and a tape recorder?

A. They was sitting right at the corner of there they had a little recorder. It was a black guy. I don't see him here, but I believe the black guy sit across from me when I signed the papers.

Q. All right.

And you told them that you would sign anything if the would let Mr. Bounlort go, is that right?

A. Yes, I did. I told them I would sign anything that they put down.

Q. Do you recall whether they read you your rights or anything?

A. I know my Miranda Rights, but, I don't -- I mean, they did give them to me, but --

Q. Okay. Is there anything else you need to tell the judge about these incidents that --

A. I mean, the only thing I got is there is somebody impersonating me in Spartanburg County and if there is somebody, he had ample opportunity and knowledge and knew I had have that bag back in Spartanburg. That we -- I believe -- I know it wasn't mine, but I believe he planted it on me. I mean, there ain't no other way around it.

Q. Okay.

A. I just know I didn't know. I don't have no video proof.

Q. Answer any questions Mr. Kendall may have.

CROSS EXAMINATION BY MR. KENDALL:

Q. All right. So just making sure I understand what's happening, where did this interview get conducted?

A. At the Cherokee County jail. I don't know what room it was. We was in a little -- I called it an interrogation room.

Q. Do you remember what it was close to?

A. It was close to where we was -- where I was into and all that, you know. And there was a little private little

cell down there with a table in it and glass all around.
Q. Okay. And who all was in there with you?
A. There was about five or six people. I don't know who all they were.
Q. Five or six people in the room at the jail?
A. Five or six people in the interrogation room interrogating me, yeah, asking me whose --
Q. And they had a tape recorder?
A. And they told me they was videotaping and tape recording. There was a guy right there with a camera. I mean, I don't know if it was a video camera. It was just a little camera. It looked like a 35 millimeter or something.
Q. Was it like holding the camera?
A. He was on a tripod, sitting right at the corner.
Q. On a tripod.

And it was at this detention center down here?
A. Yes, sir.

MR. KENDALL: Your Honor, if I could approach, I just want to grab the statement, if I could.

BY MR. KENDALL:
Q. All right. So, Mr. Waldrop, just so I'm clear, is this your signature right here under statement of rights?
A. That is.
Q. And are those your initials?
A. Yes, sir.

Q. And is this your statement here of waiver of rights?
A. Yes.
Q. And is this your signature here under the kind of the summary of the talking --
A. Yes.
Q. -- as well?
A. Yes.
Q. And are these your initials here as well, the beginning and end of the statement?
A. I -- well, I guess -- I did probably initial it. I told them I would sign anything.
Q. Is that your signature right there?
A. Yes, that ain't my writing.
Q. No, no, I agree with that.
So it's fair to say that you voluntarily signed this, correct?
A. Yes, sir, I did under a pretext.
Q. All right. And they read it back to you, correct?
A. Uh-huh.
Q. All right. And so they didn't compel you to sign this?
A. No.
Q. You are just saying you wanted to sign it to help your buddy out?
A. I told him I would sign anything. Basically let him go because he was an innocent man and he didn't have -- didn't

deserve me getting him caught up in it.

Q. All right.

I guess my questions is they didn't force you to sign this, correct?

A. No, they didn't force me to sign it.

Q. You had your own agenda you wanted and so you signed a piece of paper? They didn't compel you or force you to do that?

A. No, uh-uh.

Q. Okay.

Now, we talked a moment ago about where you resided. You currently reside at -- or at that time you resided in room 107, is that correct?

A. Yes, sir.

Q. That was, in fact, your hotel room?

A. Yes, sir.

Q. Did anybody else live there with you?

A. Well, I had several little girls that lived there with me and people in and out all the time. I mean, I'm the maintenance man. They let everybody in and out of my room most of the time all day, every day, all night.

Q. Who all permanently lived there?

A. I mean, permanently I'm the only person that's on the lease.

Q. Okay. And so what was found in the refrigerator then

would be yours, is that correct?
A. I have no idea.
Q. You have no idea what's in the refrigerator?
A. I mean, I wasn't present when it was found. I don't know anybody else that was except the police officers that don't have no cameras, and don't have -- I don't understand it.
Q. I got you.
A. It just -- it don't add up.
Q. And you said Mr. Bounlort had limited knowledge of the English language?
A. Yes, sir.
Q. Okay.
A. He always smiled and nodded his head yes.
Q. Okay. Was he able to obtain a driver's license?
A. He does. He was -- he was read his -- they -- test, they read it to him. He cannot read and write.
Q. Were you there for that?
A. I was, in fact. I was, in fact, present in Spartanburg County when he done it down there at the highway department.
Q. Okay. So you don't know what went on with him getting a driver's license? You just heard about it?
A. Well, no, I know he had an interpreter. He had to go down there and meet him from the --
Q. And you testified a moment ago that he said that he had

asked for an interpreter?
A. Well, I mean, he -- I asked him "did you ask for an interpreter" and he said yes.
Q. That's --
A. And they don't have one in South Carolina.
Q. That's not something that you witnessed? That's something that you heard later?
A. Yeah, I mean it was out of his mouth. Oh, yeah. I mean, I didn't witness him telling them, no.
Q. Okay. And you said a moment ago that this bag that was in the back of the car, that was your tool bag, is that correct?
A. Yes, sir, it was.
Q. And that was not Mr. Bounlort's tool bag?
A. No.
Q. And you gave that tool bag to him, is that correct?
A. When I threw it in truck.
Q. When he came in was he carrying anything? Was he carrying --
A. He brought me some lunch, in fact. I guess it was about twelve or one o'clock.
Q. Did you see him carrying a big metal container full of methamphetamine?
A. No.
Q. Okay. So you don't really know if that methamphetamine

is Mr. Bounlort's, is that fair to say?
A. Yeah, that's fair to say.
Q. So for that methamphetamine to end up there, it would have had to -- somebody would have just had to like put their methamphetamine in your tool bag?
A. Yeah, pretty much.
Q. Okay. And that was a lot of methamphetamine, is that fair to say?
A. Yeah, I -- I agree with you. I don't remember it being in that bag.
Q. That's not -- that's not cheap, is that all --
A. Yeah, yeah, where do I get the money to buy is what I want to know.
Q. Well, I guess what I want to know is why would somebody leave a pretty good chunk of money worth of methamphetamine sitting in a tool bag. The tool bag came out of your room, is that right?
A. No, the tool bag came out of a room in the back that had been -- I brought it from the room where my tool cart was. It was wrapped around my tool cart. It had been sitting there for four months in that one room, the last room on the back side. There is no doors or none of that at that time.
Q. Does that connect to your room? How does that work?
A. No, no, it connects to me because I'm the maintenance

man and all my tools are in that room. I had to leave my tools in that room because everything was being remodeled.

Q. How do you get to that room?

A. You can just walk in the door right off the sidewalk. Anybody can go in there. I think there was about four or five investigators that walked in there that day.

Q. Is that connected to the room that you were staying in, or --

A. No, it's not connected.

Q. Do you meet in the room and go out and --

A. I have to go -- I have to go over all around that motel all day long. I have to go and fix stuff. I have to go to the room and get what tools I needed to do the job.

Q. Let me ask you this. Did you leave the room when Kolarb was there?

A. Yeah, I was gone all day. I mean, I was in and out. I'm in and out of my room all the time. I mean, I might go in my room fifteen times in an hour, or I might not go in there for another two or three hours, you know what I mean? I'm back and forth.

Q. I got you.

What about that day? Did y'all just kind of --

A. I was in there three or four or five times probably.

Q. What was he doing?

A. He brought me lunch and he was in there watching TV

waiting on me to go to Spartanburg. He had to take me to the drug classes, Don Foster's.

Q. Okay. All right.

Now, tell me about the person impostering you in Spartanburg.

A. Yeah. I don't know who he is, but supposedly I got a warrant in Spartanburg for selling somebody something on March the 6th. I was never in Spartanburg County on Tuesdays. I --

July, the middle of July 2017 I started working at Homestead. I worked there from Thursdays -- I mean, I'm sorry, I had to be there Sunday morning, and I worked there. I come home on Thursdays.

During March at that time we was -- I was working two weeks straight and coming home for one day on Friday, coming back Saturday afternoon. There is no way it could have been me. Ain't no way. I got an alibi for it.

I'm saying whoever it was --

Q. Imposter or --

A. I'm thinking it's somebody I know, but I -- I can't prove it yet.

Q. Does this person look like you, or what --

A. Kind of, yeah.

Q. Okay.

A. But I know they ain't got no picture of me on

March 6th, not in Spartanburg.

Q. Okay.

A. I got a serious day on that. I mean, I got my time card. He's supposed to be here today. He's here, I believe.

Q. It's not an impossible distance. We are in Cherokee County, you got to go to Spartanburg.

A. I mean, I'm -- when I'm at work, I stay there 24 hours a day for seven days.

Q. Okay.

A. I mean, I don't leave the motel here unless -- as far as the deal. I don't leave when I'm at work.

Q. Okay.

MR. KENDALL: No further questions, Your Honor.

MR. FILE: I don't have any.

THE COURT: Step down.

Anything else?

MR. KENDALL: I --

THE COURT: You got anything else?

MR. FILE: Your Honor, no -- no other witnesses. It's just argument. And also I want to add some additional motions that relate at this time about jurisdiction of venue, too, based on the testimony.

THE COURT: Okay.

MR. FILE: We would move to quash the indictments

based on lack of personal jurisdiction and venue in the case, at least as to the indictment regarding the stop that took place in Spartanburg County.

We would -- I believe it's conceded that the stop took place in Spartanburg County and that's where the drugs were found in the vehicle, that the venue and jurisdiction would be properly in Spartanburg.

THE COURT: You mean the drugs didn't get in the vehicle until they got to Spartanburg?

MR. FILE: Well --

THE COURT: Is that what I'm understanding you to say?

MR. FILE: No, but they weren't discovered in the vehicle until they were in Spartanburg.

THE COURT: Okay.

All right, what else?

MR. FILE: Then we would just reiterate our motions as stated in my motion in limine.

None of this, of course, was videotaped. That could have helped matters greatly. It appears to me that nobody seemed to have a camera for any of this, judge, and I think that would resolve a lot of this, but, based on Mr. Waldrop's statements.

And also I would ask Your Honor to consider taking judicial notice of Mr. Kolarb's command of the English

language, since he was before the court for a plea earlier this week. He -- I don't know if he was capable of actually giving a consent to search.

And then Mr. Waldrop, I don't think there was sufficient evidence to -- based on the totality of the circumstances, to have started an interrogation of him, or to ask him if he had anything illegal on his person.

And in addition to all the subsequent events that happened for the seizure and the items that were subsequently found, we would argue all that should be thrown out based on the chain of events that occurred and based on the facts of the case and Mr. Waldrop's version of what took place.

THE COURT: All right.

Mr. Kendall?

MR. KENDALL: Your Honor, first with regards to the jurisdiction issues going back and forth, South Carolina Code 17-13-40 states, in relevant part of Section B, the police -- "when police authorities of a county are in pursuit of an offender for a violation of a county ordinance or statute of this state committed within the county, the authorities may arrest the offender with or without a warrant at a place within the county or a place within the adjacent county."

Cherokee County and Spartanburg County are

adjacent counties, Your Honor. They are obviously connected by the interstate. Law Enforcement started a failure to stop here in Cherokee County. It did progress over the border into Spartanburg County, and according to and pursuant to that section, Section B, it was appropriate for them to effectuate that arrest at that time.

Additionally, Your Honor, the State would point out that consent was given. Mr. Bounlort apparently did have command of the English language. He had entered a guilty plea earlier this week.

In addition, there is nothing for law enforcement to believe he didn't have command of the English language. He knew enough to invoke his Constitutional Rights.

I would also point out that it doesn't sound like Mr. Waldrop actually heard him say he wanted a translator. He just heard that later from his co-defendant.

On top of that, Your Honor, I don't believe consent would have been necessary.

With regard to Mr. Waldrop, as well, once law enforcement Mirandized and asked him if he had anything illegal, the fact then he supplies them with narcotics would have provided further justification for a search of the vehicle under the automobile exception of the Fourth Amendment.

On top of that, Your Honor, I believe law

enforcement would have had the right to search that vehicle pursuant to search incident to a valid arrest. Obviously there was a failure to stop for a blue light that took place. This ended. I think they have the Constitutional Right then to search with the intent to grab area of those individuals.

And, finally, Your Honor, even if the court were to find that all of that doesn't rise to the standard, we would also point out that the vehicle had to be towed and taken back to Cherokee County. It would have had to be inventoried at that time. It would have been inevitably discovered of the narcotics that was inside of the vehicle, as it would have gone back.

That being said, law enforcement did testify they had consent to search the vehicle and justly did that. You heard from multiple law enforcement officers that were able to testify to that effect.

With regards to the -- with regards to the statement, I believe he testified that it was, in fact, his signature on the paper. It was, in fact, the -- he did, in fact, sign all of those subsections to it. He understood his Miranda Rights and he signed the paper.

Even if you were to assume that what he is saying is one hundred percent correct and the State has very, very serious differences in what took place, the Fifth Amendment

does not protect against the defendant who lies for his own agenda. It protects against law enforcement using coercive methods to extract a confession. In this case none of that was -- none of that was the case.

Additionally, Your Honor, as I stated before, we obviously have a very strong disagreement of what took place. You heard two law enforcement officers that said they were conducted, that he went through it and he understood his rights. They did acknowledge that he was asking the charges be dismissed against the co-defendant, but was not promised anything, was not given anything, was not told that this is what was going to take place. As a practical matter the co-defendant was charged initially in this case, but he certainly was not in any way provided with some sort of duress or anything to that effect.

With regard to the statement of the car stop, you heard I believe the two law enforcement officers testify he was Mirandized before they began questioning him.

And the search and seizure, I haven't really heard a challenge to the validity of the search warrant, the information from what came off of it being valid, but the main thing the defendant re-solidified that that was, in fact, his room and he did, in fact, live there.

And based on all of that, Your Honor, we would ask that the defendant's motions be denied.

I do have an additional motion to make. I don't know if now is the appropriate time for third-party guilt. I was not going to raise it. I assumed that Mr. Bounlort was going to be the individual who we were going to blame this on. And if Mr. File wishes to go that route, I think there is probably sufficient evidence to overcome a third-party guilt motion.

If we are talking about hypothetical people that may exist in Spartanburg, I would request limiting testimony of that. I think that there is insufficient evidence to establish that that is taking place, that there is an imposter in Spartanburg that is setting him up for this.

THE COURT: All right.

Mr. File?

MR. FILE: Your Honor, I don't have anything to add to my previous motion, but the imposter in Spartanburg, I think that goes more to what I discussed with him earlier from Spartanburg.

THE COURT: You don't intend to inject third-party guilt into this case?

MR. FILE: I don't, other than he says -- it goes to his testimony that he doesn't know how the drugs got into that tool box.

THE COURT: I understand that he denies possession of the drugs, but he's not going to claim --

MR. FILE: But I don't think he's going to claim another an individual --

THE DEFENDANT: No, sir.

MR. FILE: A specific individual actually put them in there.

THE COURT: Okay.

All right, anything else?

MR. KENDALL: No, sir, Your Honor.

THE COURT: All right. I will review my notes regarding the testimony and review the applicable law and issue an order after lunch.

We will resume at 2:30.

Mr. Waldrop, you need to be back at 2:30. Mr. File may need you here before that, but I need you hear at 2:30. Okay.

MR. FILE: Yes, sir.

THE COURT: All right. Court is in recess until then, 2:30.

(Whereupon, proceedings were recessed0.

(Whereupon, proceedings were reconvened).

(Photograph marked as State's Exhibits No. 3 for identification)

(Photograph marked as State's Exhibit No. 4 for identification)

(Photograph marked as State's Exhibit No. 5 for

identification)

(Photograph marked as State's Exhibit No. 6 for identification)

(Photograph marked as State's Exhibit No. 7 for identification)

(Photograph marked as State's Exhibit No. 8 for identification)

(Photograph marked as State's Exhibit No. 9 for identification)

(Photograph marked as State's Exhibit No. 10 for identification)

(Photograph marked as State's Exhibit No. 11 for identification)

(Folger's Coffee Can marked as State's Exhibit No. 12 for identification)

(Metal Container marked as State's Exhibit No. 13 for identification)

(Drugs marked as State's Exhibit No. 14 for identification)

(Drugs marked as State's Exhibit No. 15 for identification)

(Drugs marked as State's Exhibit No. 16 for identification)

THE COURT: All right.

During the lunch recess I have had the opportunity

to review the testimony and the applicable law and I find that there has been no constitutional deprivation, and I do find that the challenge to the stop, the seizure, the search, as well as the taking of a statement from the defendant are without merit and, therefore, the motion to suppress is denied.

All right. What else do we need to address?

MR. KENDALL: The only thing, Your Honor, is we had a witness on our witness list and we don't intend to call him. We had his name as Sanjay Patel. He actually on his driver's license says Sanjay Servilla. I think he's still part of the Patel family. I was a little confused on that, but we don't intend to call him. I think the defense wants to. I don't have any objection to that at all.

THE COURT: Well, is he here?

MR. KENDALL: Yes. Yes, sir.

THE COURT: Okay.

MR. FILE: He will remain under their subpoena, so --

MS. LESKANIC: The name was provided to --

MR. KENDALL: The name on the witness list is incorrect. It was actually on his rap sheet as Servilla, but he said he goes -- he's a member of the Patel family, but he doesn't go -- it was -- I'm a little -- I'm not exactly sure I understand exactly the situation, but on his

driver's license it says Servilla as opposed to Patel.

THE COURT: Y'all didn't talk to him before you put his name on the list?

MR. KENDALL: We did. My --

THE COURT: You didn't understand what his name was?

MR. KENDALL: I had thought it was Mr. Patel and there was -- it may have been --

THE COURT: Is that what you call him?

MR. KENDALL: I think I just asked him his name and that's what he gave.

THE COURT: That's what he told you?

MR. KENDALL: I could be wrong about that. I assumed that based on whom we were talking to last night was also the manager of the hotel, but --

THE COURT: I don't think you can assume that all of them are named Patel.

MR. KENDALL: That was -- it was -- I think the other individual we spoke to was Mr. Patel and that maybe it threw me off. I thought that --

THE COURT: Well, it's not likely to be a problem.

All right. Anything else?

MR. KENDALL: No, sir.

MR. FILE: We had a -- if you want -- I don't know if you want to put on the record about the jurisdiction

venue issue. I don't know if you have issued a ruling on that on the record, but --

THE COURT: Oh. Well, I'm denying the motion to dismiss based upon a lack of jurisdiction. There is evidence that was presented during the hearing is that the -- what the State was contending was methamphetamine was in the motel, which is in Cherokee County, and was also in the truck while he was in Cherokee County. I mean, they haven't charged him also in Spartanburg, have they, with the same methamphetamine?

MR. FILE: No, sir.

THE COURT: Okay.

MR. FILE: Thank you.

THE COURT: Well, they hadn't proved he possessed it here, but I think that evidence does, or at least tends to.

Okay. Is that it?

MR. FILE: That's it.

THE COURT: All right. Bring the jury in and ask Mr. Smiley, that's juror 104, ask him to take the foreperson's seat.

(The following takes place in the presence of the jury panel)

THE COURT: Good afternoon, ladies and gentlemen.

We are ready to begin with the trial of the case

that may cause you to question whether or not this is a cut and dried case as they will have you believe. So I want you to listen to those things and I will point them out to you when we do our closing arguments later, okay, but I want you to consider those things.

This case is very important to Mr. Waldrop, as you can probably guess, and we -- you don't owe him anything. You didn't owe him anything when he walked into this courtroom, but you do owe him a fair trial by listening to the evidence and considering the evidence carefully in this case.

So I would ask you to listen to the evidence in this case very carefully. Please consider all of the evidence, including any evidence that may cause you to question whether or not he is guilty of this before you render your verdict. Thank you.

THE COURT: Mr. Kendall.

MR. KENDALL: Your Honor, the State would call Ronnie Painter.

THE CLERK: Please raise your right hand, place your left hand on the Bible.

OFFICER RONNIE PAINTER, having been first duly sworn, testified as follows:

THE WITNESS: I do.

DIRECT EXAMINATION BY MR. KENDALL:

Q. Could you please state your name for the record?
A. Ronnie Painter.
Q. And where are you currently employed?
A. With the Cherokee County Sheriff's Office.
Q. And what is your rank at the sheriff's office?
A. Captain over the Narcotics Division.
Q. And how long have you been with the sheriff's office?
A. I have been full time since March of 2006.
Q. And what are your responsibilities as captain over the Narcotics Division?
A. Well, I oversee the whole Narcotics Division. We do several different things, from underaged alcohol buys to prostitution, to illegal gambling, and anything dealing in illegal narcotics.
Q. And were you working in a similar role on March 21st, 2018?
A. Yes, sir, I was.
Q. And what happened in the afternoon of March 21st, 2018?
A. So on March 21st, 2018 I was contacted by Investigator Brendall Mathis, which works for the Spartanburg County Narcotics Division. He had called me stating he was surveilling the location in Spartanburg County. I don't remember the exact address, with some illegal activity going on. It was on some tips he had had.
The vehicle left Spartanburg and it started coming

towards Gaffney on 85 northbound. He did not know where it was going, if it was going to even make it to Gaffney.

He contacted the sheriff's office. I spoke with him and he said it's possible, so myself and Sergeant David Owens, which is in the courtroom, got in my vehicle and we started going toward the interstate just in case this vehicle came to Cherokee County.

While I was on the phone with Investigator Mathis he stated that the vehicle got off at the 92, which is here on the boulevard, and the vehicle pulled into the McDonald's. And at that point in time myself and Sergeant Owens was able to surveil that vehicle at that location. It was a red Toyota truck.

Q. All right.

And where did that vehicle go?

A. So after it left the McDonald's, it went over the interstate going up towards Highway 11. As soon as you cross the interstate there is the Homestead Lodge. The hotel rooms there on the left right kind of beside Burns Chevrolet.

Q. All right. And where did you all set up?

A. Myself and Sergeant Owens, when we pulled up -- my vehicle is kind of well known here in Cherokee County, so we didn't want to get too close to that location, so we pulled over in the Burns Chevrolet parking lot. And then officers

with Spartanburg County was able to pull surveillance on that vehicle at that point to see what hotel room it went into.

Q. Okay. What county and state is that located in?

A. Cherokee County, South Carolina.

Q. All right.

And how long did that vehicle stay in that hotel?

Did you have eyes on that hotel from yourself?

A. I had eyes on the hotel room. From where we was at I did not have eyes on the vehicle from where we was parked at.

Q. Okay. So you could see the hotel, but not the vehicle, is that fair to say?

A. Yes, sir.

Q. All right.

But Spartanburg was there, as you understood it?

A. Yes, sir.

Q. All right.

And how long did the vehicle stay there? Was it just a couple minutes, or was it a much longer period of time?

A. It was a lot longer. I had to look back through my notes. I'm going to say between an hour and two hours.

Q. All right. And what happened next?

A. So after they surveilled the vehicle, myself and Sergeant Owens stayed over the Burns Chevrolet kind of out

of sight, out of mind, I got a phone call back from Investigator Mathis that the vehicle was leaving. He stated that there was a male driver, the same driver, and there was a passenger inside of the vehicle and it left coming my direction towards Burns.

Q. And how did you respond?

A. After that all the totality of circumstances, based on all of the information we had, we thought there was, you know, something that just wasn't right, so we followed the vehicle. The vehicle went to get on the on-bound ramp to get onto 85 southbound, failed to use a traffic signal, so we -- once we got on the interstate and got behind the vehicle, I activated my lights and siren to make a traffic stop.

Q. All right. And how did the vehicle respond?

A. Once I activated my lights and siren, at first I didn't know maybe if the driver couldn't see me, so I just -- I got really, really close to the vehicle and kind of moved over to number one lane a little bit and then I noticed the driver was looking in the -- in his side mirror making eye contact with me.

And then the passenger, which is Mr. Waldrop here in the courtroom, he was in the front seat passenger. He was actually turning around in the vehicle.

Myself and Sergeant Owens was giving hand signals to

pull over. At that time they would not pull over, so I actually called into our 911, our dispatch center here in Cherokee County that I was actually in a vehicle pursuit chasing this vehicle that would not stop.

The vehicle continued speeds roughly around 70 miles an hour, continued on. At one time I thought well, maybe they will get off at exit 87. Again we started at exit 92.

Q. Where did they ultimately get off?

A. So they actually went all the way to 83. So once we passed the 87 going south towards Spartanburg, I notified dispatch to call Spartanburg County and highway patrol that we was actually in a vehicle pursuit.

Q. Okay. Once they got to exit 83, what county is that in?

A. That's in Spartanburg County.

Q. All right. Did you pursue them into Spartanburg County?

A. Yes, sir, I did.

Q. And did you -- so this initially started in Cherokee County, South Carolina, is that correct?

A. Yes, sir.

Q. And then went into Spartanburg County, is that correct?

A. That's correct.

Q. All right. Over the course of that pursuit did you observe them stop and pick anything up, anything like that,

throw stuff in the back of the truck, or anything like that?
A. No, sir.
Q. Did you have eyes on the vehicle that entire time?
A. Yes, sir.
Q. All right. So what they had in Cherokee they still had right when they got off the exit right over the line in Spartanburg?
A. Yes, sir, that's correct.
Q. Once the vehicle stopped what did you do?
A. So once the vehicle stopped, it pulled over at the 83 to a gas station. At that time there was couple of other officers from Spartanburg County with us.

I made contact with the driver. I know the driver got out of the vehicle really fast, and I'm pretty sure that the passenger did too, which is the defendant in the courtroom. I made contact with the driver, placed him under arrest for failure to stop for blue lights.
Q. Okay. And when you did that, did you provide them with Miranda Warnings, advised them of their rights?
A. Yes, sir. I actually spoke to the driver a little bit. I read him his Miranda Rights and asked why he was, you know, running from law enforcement. He didn't really give a good reason. I asked him was anything illegal in the vehicle and he stated no, or on his person, and he said no, and I asked for consent to search and he gave consent.

After that -- I'm not sure who got out with Glen Waldrop, but I walked over to where he was, advised him why he had been pulled over, read him his Miranda Rights as well and I asked him if he had anything illegal on his person or in the vehicle too.

Q. All right.

Starting with the passenger --

Well, excuse me, with regard to Mr. Waldrop, did he indicate to you that he had anything illegal on his person?

A. Once I asked him if he had anything illegal on his person, before I was able to ask for consent, he said "yes, I have drugs in my pocket," and he pulled out a silver container. I believe it was two plastic bags that he stated was methamphetamine and one pill that was --

Q. We don't --

I'm going to show you what is marked State's Exhibit 16. Do you recognize this?

A. Yes, sir, that's the pill container that was in his pocket.

Q. All right.

And is that -- does that appear to be the same pill container that was in his pocket?

A. Yes, sir.

Q. All right.

And is that consistent with the substance that was

found in there, the white crystal and I guess blue part of a pill?

A. Yes, sir.

Q. All right.

Did you take this into custody?

A. I did.

Q. All right. And what did you ultimately do with that?

A. Once I take it into custody, I actually put it in what you call a BEST bag, which is the evidence bag.

Q. All right. And what did you do with it after that?

A. Placed it into the evidence drop box at the Cherokee County Sheriff's Office.

Q. All right.

We'll get back to the BEST bag later.

A. Okay.

Q. I just want to kind of get through with this.

And after you retrieved these narcotics from Mr. Waldrop, did you continue to search the vehicle?

A. We did, yes, sir.

Q. Did you find anything else of interests?

A. Yes, sir.

Q. What did you find?

A. There was a black tool bag that was on the back of the truck. It was myself along with Spartanburg County guys. There was a silver-like thermos container and on the inside

of that container when we removed the lid there was a couple bags of -- I believe it was three bags of crystal rock-like substance. At the time it was suspected to be methamphetamine, a large quantity.

Q. I'm going to show you what is marked State's Exhibits 3 through 7.

Do you recognize those?

A. Yes, sir, I do.

Q. And are those a fair and accurate depiction of the drugs in the bag that you -- as you saw them that day?

A. Yes, sir, it is.

MR. KENDALL: Your Honor, we would offer State's Exhibits 3 through 7 into evidence at this time.

MR. FILE: Without objection.

THE COURT: They are admitted.

(Whereupon, State's Exhibit No. 3 was entered into the record as evidence).

(Whereupon, State's Exhibit No. 4 was entered into the record as evidence).

(Whereupon, State's Exhibit No. 5 was entered into the record as evidence).

(Whereupon, State's Exhibit No. 6 was entered into the record as evidence).

(Whereupon, State's Exhibit No. 7 was entered into the record as evidence)

MR. KENDALL: And request permission to publish to the jury.

THE COURT: You may.

BY MR. KENDALL:

Q. All right. Captain Painter, what is this right here on State's Exhibit 3?

A. That's the black bag that's on the back of the truck.

Q. All right.

And State's Exhibit 4?

A. That's the same bag with the zipper where we was opening the bag.

Q. All right. And what do you see? You may not be able to see it.

A. It looks like the top of the silver container.

Q. If you could show the jury using this laser pointer where that is.

(Witness off the witness stand).

A. It's right here.

BY MR. KENDALL:

Q. All right. And State's Exhibit 4?

A. Yes, sir, that's --

Q. 5, I'm sorry.

A. Okay. That's the container right there, the silver container that was inside the bag.

Q. All right. And State's Exhibit 6?

A. That is the container sitting on the tailgate once we removed it from the bag.

Q. All right. And State's Exhibit 7?

A. So that's the container with the lid gone and there is three -- it's kind of hard to see in this picture, but that's three like glassine bags with the crystal rock-like substance in it containing methamphetamine.

Q. All right. If you would have a seat.

(Witness back on the witness stand)

BY MR. KENDALL:

Q. And I am going to show you State's Exhibit 15.

A. All right.

Q. And what is that?

A. The three plastic bags of the crystal rock-like substance.

Q. All right. And where did that crystal rock-like substance come from?

A. That's what come out of the silver container that was on the back of the truck.

Q. Okay. Now I'm going to show you what is marked State's --

What did you do with that again?

A. I placed it into the evidence bag to be submitted to the sheriff's office to be sent to SLED for testing.

Q. All right.

And State's Exhibit 13, do you recognize this?

A. I do, yes, sir.

Q. And what is that?

A. That's the container that was inside the black bag on the back of the truck that had this inside of it.

Q. So that crystal rock-like substance came out of this container?

A. Yes, sir.

Q. And this appears to be the same?

A. Yes, sir, it's got the black tape around it, just like was in the picture.

MR. KENDALL: Your Honor, we would offer State's Exhibit 13 into evidence.

MR. FILE: No objection.

THE COURT: It's admitted.

(Whereupon, State's Exhibit No. 13 was entered into the record as evidence)

MR. KENDALL: Request permission to just show it to the jury?

THE COURT: You may.

BY MR. KENDALL:

Q. Now, once you found this methamphetamine, what did you do next?

A. After -- after the methamphetamine was found, both subjects obviously was placed under arrest and they was

placed into a deputy's patrol car to be transported back to the county here in Cherokee County.

Q. And was that the end of your investigation?

A. No, sir, it was not.

Q. What did you do next?

A. Again, based on -- based on how everything played out there that day, the surveillance that Spartanburg County conducted and then coming into Cherokee County and then us making a traffic stop, finding a large amount of methamphetamine, we was able to type up a search warrant. I had Lieutenant Brandon Gardner type up a search warrant for the Homestead Lodge, room 107. We went back to that address later on that afternoon. I believe it was around eight o'clock, or so, and we executed a search warrant at that residence, which belongs to Glen Waldrop.

Once we made contact inside there and executed the search warrant, we discovered inside the freezer like a red Folger's container that contained methamphetamine inside of it, approximately 50 some grams.

Q. All right.

I'm going to show you what is marked State's Exhibit 12. Do you recognize this?

A. I do, yes, sir.

Q. And what is that?

A. That's the container that was found inside the freezer

in Mr. Waldrop's room.

MR. KENDALL: Your Honor, we would offer State's Exhibit 12 into evidence.

MR. FILE: No objection.

THE COURT: It's admitted.

(Whereupon, State's Exhibit No. 12 was entered into the record as evidence)

MR. KENDALL: And permission to publish to the jury.

BY MR. KENDALL:

Q. I know that you testified just a moment ago, but what did you find inside of that -- what did you find inside of that coffee container?

A. A glassine bag containing the crystal rock-like substance which field tested positive for methamphetamine.

Q. All right.

I'm going to show you what is marked State's Exhibit 14. Do you recognize this?

A. I do, yes, sir.

Q. And what is that?

A. The crystal rock-like substance that was found inside that Folger's can.

Q. And what did you do with that?

A. Placed it into an evidence bag.

Q. All right. And did you photograph this hotel room?

A. I did not, but I think Sergeant Owens did.
Q. Okay. Were you there when they were taken?
A. Yes, sir.
Q. All right. I'm going to show you what is marked State's Exhibits 8, 9, 10, 11. Do you recognize these?
A. Yes, sir.
I do, yes, sir.
Q. And what are those?
A. The first one is going to be --
Do you want to put it up on the screen here?
Q. We have -- are those a fair and accurate representation of the scene as you found it?
A. Yes, sir, this is going to be --
The first picture is a door.
Q. Hold on a second.
Is this a fair and accurate representation of the scene as you found it?
A. It is, yes, sir.
MR. KENDALL: Your Honor, we would offer State's Exhibits 8 through 11 into evidence at this time.
MR. FILE: Without objection.
THE COURT: They are admitted.
(Whereupon, State's Exhibit No. 8 was entered into the record as evidence).
(Whereupon, State's Exhibit No. 9 was entered into

the record as evidence).

(Whereupon, State's Exhibit No. 10 was entered into the record as evidence).

(Whereupon, State's Exhibit No. 11 was entered into the record as evidence)

MR. KENDALL: I would request permission to publish, Your Honor.

BY MR. KENDALL:

Q. And what is this?

A. That's going to be the door to room 107 that's marked on the door.

Q. All right. And State's Exhibit 9?

A. So that's going to be the top of the freezer where the door opens and there is the Folger's container inside the freezer.

Q. All right. And State's Exhibit 10?

A. That's -- once we removed the lid from the container and that's where the two plastic bags of the methamphetamine was located.

Q. All right. And State's Exhibit 11?

A. That's just the container with the two bags sitting in front of it.

Q. Okay. Did you find any evidence of anyone else other than Mr. Waldrop living in the room?

A. No, sir, we did not.

Q. Now, once you got ahold of all the narcotics from these three separate locations, which is State's Exhibit 16, what was in the large silver container, State's Exhibit 15, and what was in the coffee canister, State's Exhibit 14 --

A. Yes, sir.

Q. -- in each of these incidents, what did you do with the drugs?

A. We got a -- can I explain like the BEST bag?

Q. Yes.

A. So we got like what they call a BEST bag that goes to SLED, the Law Enforcement Division here in South Carolina. They actually test all of our controlled substances like that to make sure that it is methamphetamine. So it's a tamper-proof evidence bag. I have to fill out the chain of custody, where I seize it from, put the defendant's name actually on the paperwork. And then once we seal it, you cannot open it back up without cutting it with a pair of scissors, or a knife, or something. Once I done that, I dropped it into the evidence drop box of the Cherokee County Sheriff's Office. There is only like three people -- I believe it's three people --

Q. What does the evidence drop box look like?

A. It's on a hall and basically it's like a mail slot. It's probably about that big. And once you -- it's got a little flap, so once you push it through and falls, you

can't -- you can't retrieve it back out without having the key.

Q. Okay. Who has access to that?

A. I know Lieutenant Billy Anthony, Lieutenant Rodney Bright, and I believe the only other person is the sheriff Steve Mueller. I could be wrong. There may be one more.

Q. Okay. But you dropped all these drugs in there for testing, is that fair to say, or to be sent off to SLED for testing?

A. I did, yes, sir.

Q. All right.

And you said this was in a tamper-proof packaging. It can't be reopened again. It can't -- it's not like a ziplock bag and just -- once it's sealed --

A. Once it's sealed it's sealed, yes, sir.

Q. All right.

Now, was this the end of your investigation?

A. No, sir, it was not.

Q. What else did you do in the investigation?

A. So basically what we do, once someone is charged with narcotics, we always try to go back and interview them to see what their part was in dealing with the drugs or what -- you know, the whole thing about it. So I went back over to the detention center the next day and interviewed the defendant.

Q. All right. And who was with you and -- the defendant is Mr. Waldrop sitting at the table?

A. Yes, sir. Glen Waldrop, yes, sir.

Q. Okay. And who was with you when you conducted that interview?

A. Sergeant David Owens.

Q. Was there anybody else in the room with y'all when you conducted the interview?

A. No, sir.

Q. All right.

And how did Mr. Waldrop appear?

A. He appeared fine. I mean, just like he is today. He seemed to be very intelligent.

Q. Okay. Did he -- was there any sort of coercive tactics used?

A. No, sir.

Q. Did you have anything for a soft coerce, any dogs in the room? Did you have a firearm with you, or anything like that?

A. No, sir, we did not.

Q. Okay. Did he appear in any way under the influence or under a medical condition that would make him not understand what's taking place?

A. No, sir.

Q. So he appeared to be cognitive of what was happening?

A. Yes, sir.

Q. All right.

And prior to conducting the interview, did you advise him of his rights?

A. I did, yes, sir.

Q. I'm going to show you what is marked State's Exhibit 2. Could you please take a look at that?

A. Yes, sir.

Q. And what does that appear to be?

A. So when we interview someone at the jail, we got the first form. It's the pre-interrogation waiver form. And so basically we read them their Miranda Rights. We have -- it's five sentences here.

After we read them their Miranda Rights, we always ask them do they understand their rights. And then once they say yes, we have where you can initial beside each number so they can know saying they understand their rights.

Q. All right.

And was -- and does that appear to be the form that you all used in that case?

A. Yes, sir, it does.

Q. And what is page two of that form? Don't go into the details of it yet, but just what is it?

A. It's just the statement that Glen Waldrop gave us during the interview.

Q. And is that a fair and accurate representation of the statement he gave you?

A. Yes, sir, it is.

MR. KENDALL: Your Honor, we would offer State's Exhibit 2 into evidence.

State's Exhibit 2 into evidence, the statement.

MR. FILE: No objection.

THE COURT: It's admitted.

(Whereupon, State's Exhibit No. 2 was entered into the record as evidence)

MR. KENDALL: And with the court's permission, I would like to put it up on the overhead.

THE COURT: I don't think they would be able to see that.

Do you have the original?

THE WITNESS: I don't have the original. I may have one that's a little darker.

BY MR. KENDALL:

Q. Okay.

MR. KENDALL: Robin, do you mind if we substitute that as State's Exhibit 2?

We would request to substitute this for State's Exhibit 2, Your Honor.

BY MR. KENDALL:

Q. All right. Okay. So when you --

(Witness off the witness stand).

BY MR. KENDALL:

Q. Starting at the top of the form, what information did he provide?

A. Okay. So at the top of the form when we sit down with someone, we always, you know, ask them their full name, their address, their phone number, Social Security number, and so on.

So he give me his name Glen Waldrop, his address, his telephone number, his date of birth. And then that's the date that the interview took place and Social Security number, how far he went in school.

Q. All right.

And what address did he provide you?

A. I believe that's 136 Peachoid Road, room 107, which is going to be the Homestead Lodge.

Q. Okay. And was he read that statement of rights?

A. Yes, sir, he was.

Q. All right.

Did he make any markings in that section to indicate that he understood those?

A. Yes, sir, so right here is your Miranda Rights and here is where I actually -- where I signed that I read the Miranda Rights to him.

Here is where he signed stating that he understood his

rights, and here is the witness Sergeant Owens that signed.
Q. All right. And that next section, did he indicate that he wished to waive those rights?
A. He did.
And again here is my name. He had the right to waive his right not to speak to us without counsel, if he didn't want to, but he was willing to speak with us, so he signed here where he signed again, with Sergeant Owens signature.
Q. All right. And then moving farther down the page, what is this next section?
A. So this is what time the interview started. It's in military time. It's going to be 1:31, and I believe that's 1:52 p.m., and it's the same. There is one -- actually one page statement. It was only one page.
Q. And did he sign that statement as well?
A. He does. He signed right here. There is my signature and there is Sergeant Owens signature.
Q. Okay. You can have a seat back down.
(Witness back on the witness stand).
BY MR. KENDALL:
Q. And after being advised of those rights and his agreeing to waive those rights, did he provide you with a statement?
A. Yes, sir, he did.
Q. And to be clear for the jury, who physically wrote the

statement?

A. I actually wrote you the statement.

Q. All right.

And whose direction was that at? In other words, did you just write whatever you wanted and he signed the bottom of it? How did you come up with the statement?

A. I wrote exactly what Mr. Waldrop told us what happened that day.

Q. And was he given a chance to review the statement?

A. Yes, sir. I actually read the statement to him and he actually read it himself and then he signed. After, you know, the statement was read to him, he read it.

Q. All right. Did he make any markings on the page?

A. Yes, sir, he did.

Q. All right. Indicating that he was adopting the statement?

A. Yes, sir.

Q. All right. And what markings did he make?

A. So once we finish a statement, you see where this paragraph is? We always draw a line down to say end of statement and I always get them to initial at the beginning and also the end. That way we can't add anything to the statement, you know, after we are separated from them. And then after the statement, again, there is his signature, my signature, and Sergeant Owens signature.

Q. All right. And in this statement -- did he sign that indicating that was his statement?

A. Yes, sir, he did.

Q. Did he place his initials on there indicating that's his statement?

A. Yes, sir, he did.

MR. KENDALL: At this time, Your Honor, we would request that Captain Painter be allowed to read the statement into evidence.

THE COURT: He may.

A. All right. It's got "on March 21st, 2018, around 6:15 p.m. a friend of mine 'Lock' was giving me a ride to Don Foster's in Spartanburg, which is a drug treatment program. I had to be in class by seven o'clock or I would be kicked out. When I left my room at the Homestead Lodge I took some of my meth with me. I took a silver ice container that had around seven, eight ounces of meth with me in my tool bag. I left two to four ounces of meth back at my room in a Folger's coffee container in the freezer of my room. As me and 'Lock' was on the way to Spartanburg I noticed blue lights behind us. I told 'Lock' to pull over and he finally did. We pulled into a gas station and the police found the meth and ecstasy that was in my pocket. The police also found the meth that was in my tool bag."

BY MR. KENDALL:

Q. Okay. So in both of those -- so in that statement he indicates that that methamphetamine is his?

A. Yes, sir, he does.

Q. And he acknowledges that the tool bag was his, is that correct?

A. Yes, sir, it is.

Q. At any point in your conversations with him did he ever indicate that it was anybody else's?

A. No, sir, he didn't.

Q. So that statement is a fair -- I know it's about half a page and y'all talk about twenty minutes, but was there anything else in there that was different than that?

A. The only other thing is that he kept saying is he didn't understand why we arrested the driver, because he said it was not his methamphetamine. It was his and he shouldn't be in trouble for it.

Q. Please answer any questions that Mr. File may have.

MR. FILE: May it please the court?

THE COURT: Mr. File.

CROSS EXAMINATION BY MR. FILE:

Q. Captain Painter, no videotapes were made of any of this from the stop all the way through the search or talking to Mr. Waldrop, was there?

A. No, sir, we are not equipped with audio, video. We are an undercover narcotics vehicle.

Q. You didn't -- you didn't see any drugs until after the car stop, is that fair to say?

A. That's fair, yes, sir.

Q. So you didn't know for sure there were drugs in the vehicle?

A. I did not.

Q. Okay. When you were trying to stop the -- it was a pickup truck, wasn't it?

A. Yes, sir.

Q. And when you were trying to stop it, you saw Mr. Waldrop talking to the driver as if trying to pull over, telling him to pull over?

A. I don't know exactly what they was talking about. I just knew that the driver was making eye contact with me through the side mirror and Mr. Waldrop was actually turning around making eye contact with me as well.

Q. All right.

And Mr. Waldrop told you after he pulled over -- you pulled him over, he told you that he tried to tell him to stop?

A. He did, yes, sir.

Q. Okay. Now, the bag that you referred to -- we saw two bags in those photos. The bag with the canister was actually a tool belt or a tool bag of some type, wasn't it?

A. Yes, sir.

Q. Okay. Now, that canister, it appears to be like aluminum, or stainless steel, or something of that nature?
A. Yes, sir.
Q. A smooth surface?
A. Uh-huh.
Q. Was that canister fingerprinted?
A. No, sir, it was not.
Q. As far as the tool belt that that canister was located in, you don't have any idea how many hands that tool belt might have passed through before you found it, do you?
A. I did not see that tool bag until that day.
Q. Okay. Now, going to the hotel room, you went in the hotel room based on the search warrant, is that right?
A. Yes, sir.
Q. All right.
A. Room 107.
Q. And you went to the freezer in the refrigerator and found that Folger's canister?
A. Yes, sir.
Q. And that's a plastic canister, smooth surface. That canister wasn't fingerprinted, was it?
A. No, sir. It was his room. He was the only one that lived there.
Q. Well, you don't know if anybody had access to that room or not besides Glen. I mean, you are saying that is his

room.

A. I spoke to the people at the hotel and they say he's the only one that had access to the room.

Q. Again, no -- you made photos. You got technology to make photos, but you didn't make a video of any that search either, did you?

A. No, sir, because we didn't have a video.

Q. Okay. Then you went to the jail and talked to Mr. Waldrop, is that right?

A. That's correct.

Q. Okay. And that was the next day?

A. Yes, sir.

Q. Okay. And you conversed about twenty minutes or so before or during the statement that he gave?

A. We were just talking, yes, sir, during the statement.

Q. And he had expressed some concerns for his friend that was driving the truck, didn't he?

A. He just stated that he shouldn't be charged with the methamphetamine because it was all his.

Q. Okay. And you wrote that statement?

A. I did, yes, sir.

Q. All right. And there was no video or audio made of that either, was there?

A. No, sir, because we don't have one to.

Q. So we are just taking your word for what you talked

about before --

A. No, sir, we don't interview anyone by ourselves. It's common practice for us if we go into the jail when we interview somebody, we always take another officer with us so we got a witness. We always ask one witness.

Q. But you knew that you were going to take that statement and yet you still didn't make arrangements to have somebody come videotape it or audio tape it?

A. In the nineteen years I have been doing it I don't have video or audio to do that. We finally have cameras now, but back then we did not.

MR. FILE: No further questions.

REDIRECT EXAMINATION BY MR. KENDALL:

Q. Just to be clear, he was read that statement back to him?

A. I did, yes, sir.

Q. And he was given the opportunity to review it, is that correct?

A. He did. He actually read it himself.

Q. All right.

And is that -- did you see him sign the bottom of that statement?

A. He did sign the bottom, yes, sir, and initialed it as well.

Q. And the only thing he added is the driver shouldn't be

charged because it was his drugs?

A. Yes, sir.

Q. All right.

MR. KENDALL: Nothing further, Your Honor.

THE COURT: You may step down.

MR. KENDALL: At this time the State would call Brendall Mathis.

THE CLERK: Please raise your right hand.

OFFICER BRENDALL MATHIS, having been first duly sworn, testified as follows:

THE WITNESS: Yes, ma'am.

DIRECT EXAMINATION BY MR. KENDALL:

Q. Could you please state your name for the record?

A. Brendall Mathis. I work for Spartanburg County Sheriff's Office.

Q. And what are your responsibilities at the Spartanburg sheriff's office?

A. I'm an investigator in the Narcotics Division.

Q. I'm sorry, investigator with the Narcotics Division?

A. Yes, sir.

Q. And how long have you been with the Narcotics Division?

A. I have been with the sheriff's office for two years and I was in narcotics prior to that with Spartanburg City for approximately eight years. Twelve years total in law enforcement.

Q. All right.

And on March 21st, 2018, did you conduct surveillance involved in this case?

A. Yes, sir.

Q. And please tell us about that.

A. The surveillance began from some information that we received in Spartanburg County at a residence at 2049 South Church Street. We got information that there was a guy there who was identified as "Lock". His real name is Kolarb Bounlort.

We received that information that possible narcotics activity was going on, so I began -- on the date that we are talking about here I began surveillance of that residence actually in Spartanburg County.

Q. All right. And did that stay in Spartanburg County?

A. No, sir, the red pickup truck that was there at the residence actually left and I began surveillance of that pickup truck; ended up heading towards Gaffney area, so that's when I contacted Cherokee County Sheriff's Office to try and assist and see where it actually went into their county.

Q. All right. And were you able to get in contact with them?

A. Yes, sir, we made contact with Captain Painter and he was -- he was free and available to assist us in trying to

figure out where this vehicle would go, as well as assistance with other investigators from Spartanburg County.

Q. All right.

And where did you -- where did your surveillance take you?

A. We came up 85, ended up getting off at the -- I totally lost my train of thought with the road name.

We got off at the exit. Went to the McDonald's. Floyd Baker Boulevard, sorry.

Went to -- actually pulled into the McDonald's and that's where Captain Painter was able to assist us with the vehicle that was there, which eventually left and went back to the motel.

Q. All right. And where did you follow that vehicle to?

A. It went back to the Homestead Lodge, which was located at 136 Peachoid Road in Gaffney.

Q. Okay. And do you know what room that vehicle made contact with?

A. The truck actually stopped and parked in front of room 107, where I was able to maintain surveillance on the vehicle and the room at that time.

Q. All right.

Did you see a lot of people coming and going from that room?

A. I didn't. I saw -- I saw the guy identified -- that we

knew as "Lock" to actually go into the room and that was really the only traffic that we saw coming and going from that room the whole time we were doing surveillance.

Q. Okay. And how long did they stay in that room, approximately?

A. I began -- I began the surveillance on the house in Spartanburg at around two p.m.. They stayed --

By the time we got to the hotel and began surveillance there, it was approximately 7:30 that evening when they actually left that -- the hotel.

Q. Okay.

A. Or that particular room, sorry.

Q. All right. And who did you see leaving the room?

A. I saw --

So at around 7:30 I saw "Lock", Mr. Bounlort, was one of the occupants of the room. He left carrying a black tool bag. He walked out of the room, placed the black tool bag into the bed of the pickup truck.

At the same time Mr. Waldrop actually walked out and went towards the left side of the hotel. So from my perspective looking at the hotel he walked to the left side and went out of sight.

Q. Okay. And did he get anything and put it in the back of the truck?

A. Mr. Bounlort actually left in the truck, pulled to that

same left side of the hotel and stopped.

Mr. Waldrop was seen bringing to -- it looked like two large like black trash bags out. He put them into the back seat of the truck, got into the passenger's seat and they left.

Q. Okay. As you could see, was there any way to tell what was inside the bag as you were carrying it out?

A. No, sir.

Q. As they were carrying it out?

A. No, sir, not from where I was.

Q. You previously just said he carried this bag out, you wouldn't have any idea what was inside the bag?

A. No, sir.

Q. Okay. So it wouldn't have been clear to Mr. Bounlort he was carrying a silver container or anything else, just from looking at it?

A. No, sir, he didn't do anything to it. He walked straight out of the room and placed it into the bed of the pickup truck and got into the driver's seat of the truck.

Q. Okay. And what happened from there?

A. At that point I advised Captain Painter that the vehicle was leaving and where he was -- where he was sitting in his truck, he was able to pick up the car and get behind it and that's where he explained that the -- they got onto the interstate and he attempted the traffic stop.

Q. Okay. And did you ultimately catch up with that traffic stop later?
A. Yes, sir, I made my way down to the Cowpens exit, which is where they were at the truck stop plaza there. By the time I got there they had the driver and the passenger out of the vehicle. A short time later we assisted with the search of the vehicle and where they found -- ultimately found the narcotics that was in the tool bag in the bed of the truck.
Q. All right. Was that a fair description, you were in the courtroom a moment ago, about where the narcotics were found inside this silver container?
A. Yes, sir.
Q. So to be clear, the bag that ultimately had the drugs in it you saw come from inside of that room 107 out to the back of the truck, is that correct?
A. Correct.

MR. KENDALL: I have nothing further, Your Honor.

BY MR. KENDALL:

Q. Please answer any questions Mr. File may have.
A. Yes, sir.

MR. FILE: If it please the court.

CROSS EXAMINATION BY MR. FILE:

Q. Investigator Mathis, you're with Spartanburg County. How long have you been there?

A. I have been with Spartanburg County for two years. I was with Spartanburg City ten years prior to that.
Q. All right.
In Spartanburg County the deputies and everyone has audio and video technology, do they not?
A. They do.
Q. Okay. In fact, in narcotics you have all kinds of sophisticated, more sophisticated technology? Like you can videotape a drug transaction using an informant, isn't that right?
A. Correct.
Q. Right.
But yet you did not videotape any of this surveillance or anything that you did?
A. No, sir.
Q. You said you saw Mr. Bounlort park in front of room 107 and go into the room by himself?
A. Yes, sir.
Q. Okay. And then it's your testimony that at approximately 7:30 you saw them leave the room?
A. Yes, sir.
Q. All right. No earlier, no later?
A. No, sir.
Q. All right.
You saw both of them --

You saw Mr. Bounlort leave the room with that bag that the drugs were found in?

A. Yes, sir.

Q. And you saw Mr. Waldrop come out of the room and they separated, so to speak, and he went to another end of the building?

A. Yes, sir.

Q. Okay. And then Mr. Bounlort picked Mr. Waldrop up and Mr. Waldrop had two trash bags, or something that looked like trash bags in his possession?

A. Yes, sir, he loaded those two bags into the back seat of the truck.

Q. Okay. And as far as you know, there were no drugs found in those trash bags, were there?

A. No, sir.

Q. Okay. But all you know is that the black bag where the drugs were found came out of that room? You don't know anything about where that bag had been before it came out of that room, do you?

A. No, sir, I just saw it come from the room.

Q. Okay.

MR. FILE: That's all.

MR. KENDALL: Just briefly, Your Honor.

REDIRECT EXAMINATION BY MR. KENDALL:

Q. Could you describe the vehicles that yourself and

Captain Painter were driving that day?
A. I have a Chevrolet pickup truck, an undercover Chevrolet pickup truck, and Captain Painter has an SUV that's -- an unmarked undercover surveillance vehicle was typically what we drive.
Q. Okay. Is it fair to say when you are conducting narcotics surveillance you are not using a typical police car, the standard cruiser you see out?
A. Absolutely.
Q. And why is that?
A. It assists us with surveillance in the job and the things that we need to do. Obviously sitting there trying to watch somebody in a marked police vehicle would be very obvious as to what we were doing, and they are not going to do the same things that they would do if we were in an unmarked vehicle or something that would be difficult for them to tell what we were using.
Q. And at the same time I notice that you had a beard?
A. Yes, sir.
Q. Is that something that most of year-round officer is allowed to have?
A. Yeah, we're allowed to have it. It seems to be a narcotics thing, you know. Most of the guys that do narcotics work typically have a beard. I -- I don't know. It's just one of those things.

Q. Does that help you blend in?
A. If you are doing undercover stuff or you are getting out and doing surveillance and, you know, you may need to walk through a crowded place, obviously it would -- it would help you not stick out, not look as much like the police.
Q. Is it fair to say you guys don't typically wear police uniforms on your daily -- on your -- in your daily job, is that also fair?
A. Correct.
Q. And, again, is that to avoid detection?
A. Absolutely.
Q. And one of the limitations with that in mind with undercover cars is putting a lot of cameras and things on them?
A. We don't -- we -- at Spartanburg County Sheriff's Office in our narcotics unit, we do not have cameras in our vehicles and we are not equipped with body cameras at this time.
Q. Okay. I notice in your report you had them leaving at 19:30. You are a hundred percent certain that's right, or is that something that you kind of remembered later? Could it have been --
A. I mean, it could very well could be that was just the time that I recalled that they left. It could be -- it could be different.

Q. Okay.

MR. KENDALL: Nothing further, Your Honor.

THE COURT: Step down.

MR. KENDALL: Your Honor, the State would call David Owens at this time.

THE CLERK: Please raise your right hand.

OFFICER DAVID OWENS, having been first duly sworn, testified as follows:

THE WITNESS: I do.

DIRECT EXAMINATION BY MR. KENDALL:

Q. Could you please state your name for the record?

A. David Owens.

Q. And Mr. Owens, where are you currently employed?

A. Cherokee County Sheriff's Office.

Q. And what is your rank and how long have you been there?

A. Sergeant of the narcotics unit and I have been there ten years now.

Q. Sergeant, back in May of -- March 21st, excuse me, 2018, what were your responsibilities then?

A. I worked in the narcotics unit. We patrolled for any kind of narcotics activities, alcohol buys, things of that nature.

Q. All right. And were you working on March 21st, 2018?

A. Yes, sir, I was.

Q. And what happened that afternoon?

A. We got a call from Brendall Mathis. He had called my captain and told us, you know, what he was surveilling in Spartanburg County, thought it was coming to Cherokee County. He had got behind it and we set up to watch.

Q. Okay. And what happened when they left the room?

A. What happened to --

Q. When they left the room.

A. Okay. When they left the room, they came by us and turned onto Floyd Baker Boulevard. We fell in behind them in the captain's car. When we went to go onto the interstate he failed to signal. When he turned onto the interstate we fell in behind him and tried to initiate a traffic stop.

Q. Okay. How long were y'all set up on surveillance, just approximately?

A. It had to be an hour and a half, maybe close to two hours sitting.

Q. Okay. And when they tried to merge onto the interstate, what happened then?

A. When they merged onto the interstate we went ahead and the captain turned on the blue lights and sirens and he continued to travel on.

Q. And did they -- you said they continued to travel on. Did they stop immediately?

A. No, sir, they kept -- they kept driving down the

interstate. Didn't really speed up any more. They stayed around seventy-ish and they continued on.

The driver, we could see him looking in his side-view mirror looking back at us. The captain had pulled up pretty close to them thinking maybe if they didn't see us, that's why they weren't stopping.

The passenger, Mr. Waldrop, you could see him turn around in the window looking at us, it looked like gesturing, like shrugging his shoulders and stuff and we just continued to follow.

Q. Okay. And when did they ultimately stop?

A. About the exit 83 at the truck stop there.

Q. And what happened once they stopped?

A. Once they stopped, I believe both of them got out of the car and me and my captain, we went to the driver's side and the Spartanburg County officers went to the passenger's side.

Q. All right. And what happened from there?

A. As we were standing at the doorway of the door we got Mr. Bounlort out and the captain asked him first why -- I asked him why he didn't stop. He just said he didn't know.

The captain went ahead and was reading him his rights and asked him were there anything illegal inside the truck and he said no. The captain asked him "do you have permission to search the vehicle" and he said yes.

Q. All right. And where was Mr. Waldrop at that time?
A. He was on the passenger's side of the vehicle.
Q. All right. And what was he doing?
A. He was talking to the Spartanburg County deputies at that time.
Q. Okay. And was he Mirandized as well?
A. Yes.
Q. And what did he do after that?
A. Mr. Waldrop?
Q. Yeah. Were you --
A. Once the captain -- we secured the driver. We walked around to the other side and the captain started talking to Mr. Waldrop at that time basically asking him, you know, did he have anything illegal in his possession. At this point he just reached in his pocket and pulled out the stuff and said he had some dope in his pocket.
Q. All right. And were they placed under arrest at that time?
A. Yes.
Q. And where did they go at that point?
A. We took them back and placed them in the vehicles.
Q. Okay. And was that the end of your investigation?
A. No, sir.
Q. What did you all do later that day?
A. Later that day we went back and had the search warrant

for the apartment.

Q. All right. And were you part of that search?

A. Yes, sir, I was.

Q. And as a result of that search was any methamphetamine found in that apartment?

A. Yes, it was.

Q. Where was that located?

A. It located in the freezer part of the refrigerator in a red Folger's container.

Q. All right. So --

And to be clear, when they were searching -- when they were searching the back of the vehicle, where were you at that point?

A. I was in the cab of the truck searching the cab of the truck.

Q. Okay. So you don't know that was actually the meth --

A. No, sir.

Q. You were on the scene and they found methamphetamine, you couldn't obviously say you had eyes on it?

A. No, I didn't see them find the drugs, no.

Q. All right.

And so are these photographs, State's Exhibits 8 through 11, were those fair and accurate representations? Is that how you remember going in the hotel room and the state it was in and finding the narcotics?

A. Yes, sir, it is.
Q. All right.
Now, was that the end of the investigation for you as well?
A. No, sir.
Q. And what did you do after you found the narcotics or you all found the narcotics from the hotel room?
A. We went back to the office and dropped all of it into the evidence.
Q. Okay. What about the next day? What happened the next day?
A. The next day the captain and I went over and interviewed Mr. Waldrop.
Q. All right. And where did that interview take place?
A. At the detention office in the interview room.
Q. Was there anybody with you at that time?
A. Just me and the captain.
Q. And the captain is Captain Painter, is that correct?
A. Yes, sir, it is.
Q. Okay. And once you went in there --
Oh, once you went in there, was he advised of his rights?
A. Yes, sir, he was.
Q. Your signature appears on multiple locations through State's Exhibit 2. Do you recognize that?

A. Yes, sir, I do.
Q. And so was he advised of those rights, as indicated on the form?
A. Yes, sir.
Q. And did he make those markings that you signed your witness on that form?
A. Yes, sir, he did.
Q. What about his statement? Did he provide you all with a statement?
A. He did, sir.
Q. And what did -- you don't have to read the whole thing out, but is the page two of that State's Exhibit 2, is that a fair and accurate representation of what he actually provided?
A. Yes, sir, it is.
Q. And did he offer anything else? Did he offer -- was there something inconsistent with that?
A. No, sir, it was all consistent. He basically said it was his dope.
Q. All right. Did he indicate it was Mr. Bounlort's?
A. No, he was adamant it was not Mr. Bounlort's, it was his.
Q. Okay. So he indicated on there that the narcotics that were found both in the car and the hotel room were his?
A. Yes, sir.

Q. At any point in time did he appear to be under duress?
A. No, sir.
Q. Did he appear to be under the influence of something or suffering from a medical condition that prevented him from understanding what was happening?
A. No, sir, he did not.
Q. Was there anything that was withheld from him? Did he have to go to the bathroom and you guys wouldn't let him leave, anything like that?
A. No, sir.
Q. Did it appear that he understood what he was doing?
A. Yes, sir, he did.
Q. And was the statement as it was written a fair and accurate representation of what he was saying out loud?
A. It was.
Q. And to be clear, Lieutenant Painter wrote it, is that correct?
A. Sir?
Q. Lieutenant Painter wrote the statement?
A. Yes, sir, he did.
Q. But it was a fair -- what he was saying matched what all took place on that paper?
A. He re-read it and made sure everything was correct.
Q. Okay. Was it consistent with what you heard? In other words --

A. Yes, sir.
Q. -- when it was printed on paper you just thought was whacky? Is what you heard was ultimately --
A. The same thing I heard, yes, sir.
Q. Okay. And with the exception of them going across the border into Cherokee County -- Spartanburg County, did all this occur in Cherokee County?
A. Yes, sir, it did.
Q. And at any point in time over the chase did you see anybody like put something in the car as they crossed over to Spartanburg, or some other opportunity for them to --
A. No, sir.
Q. -- do something like that?
A. No.
Q. So you all had fair eyes on them the entirety of the chase?
A. Yeah, directly behind them.
Q. Is that fairly typical for you all to actually hand write the statement for the defendant?
A. Yes, sir, it is.
Q. And kind of walk us through that process. How does that typically work?
A. What we do is we will go in there. We read them their rights and we talk to them. They express what they done. We write it down and then we let them re-read it and make

sure everything is correct. And we tell them "if there is anything we need to take out, let us know. If there is anything we need to add to, let us know and we will."

Q. Is that something that you all do, hand write it yourself in most cases?

A. Yes, sir.

Q. And why is that?

A. Some people's handwriting is not so good. Some people don't want to write their statements.

Q. Okay. And they just want you to do it? If they don't want to write it, they want you to do it?

A. That's right.

Q. At any point in time did he ever express to you that what was in the statement was inaccurate or untrue?

A. No, sir, he did not.

MR. KENDALL: I have nothing further, Your Honor.

MR. FILE: If it please the court?

CROSS EXAMINATION BY MR. FILE:

Q. Would it be fair to say the only drugs that you saw were the ones in the hotel room, is that right?

A. I saw them. I took the pictures of them, but I didn't see them when they collected them off the truck and stuff.

Q. Okay. You were -- you were with Captain Painter during the car chase, is that right?

A. Yes, sir.

Q. To the extent it was a chase?
A. Yes, sir, it was.
Q. And you saw Mr. Waldrop gesturing to the driver during that?
A. We just saw him making some kind of gestures. I don't know exactly if he was talking to him or what.
Q. And he did, in fact, tell you that he told Mr. Bounlort to pull over at some --
A. Yes.
Q. -- after you stopped them?
A. When he told Captain Painter, yeah, because I was standing there, yes.
Q. You didn't see the bag or the canister that was actually found in the backpack of the truck?
A. I didn't see it at the beginning. Afterwards I did.
Q. Okay. And the canister was in what would be termed the tool belt, is that right?
A. Yes, like a bag of some type.
Q. All right.
Of course, you don't know how many people touched that tool belt before it left that hotel room, do you?
A. No. No, sir.
Q. Okay. All right.
Now, in the hotel room there was a -- the Folger's canister that was found with the drugs in it in the

freezer --
A. Yes, sir.
Q. -- of that?
A. Yes, it was.
Q. And, again, as I asked Captain Painter, that canister was not fingerprinted or anything like that, was it?
A. Not to my knowledge, no, sir.
Q. Okay. You made the photos for that --
A. I did.
Q. -- search?
A. I did.
Q. Okay. How long have you been in narcotics?
A. I have been in narcotics for about two years.
Q. Okay. Y'all have some technology, don't you, to record drug transactions and that type of thing?
A. Yes, sir.
Q. So you have recording capabilities, isn't that right?
A. For some things, yes.
Q. Okay. But you didn't record anything that took place out on that car stop, nor did you record or videotape anything that involved the search of that hotel room?
A. No, sir, we're not equipped for that, no.
Q. Nor did you record or videotape anything regarding Mr. Waldrop's statement, did you?
A. No, sir, we did not.

Q. Okay. You talked with Mr. Waldrop for some time before or during the process of taking his statement, didn't you?
A. Captain Painter done the initial contact. I was sitting by and listening.
Q. And you heard him that he was concerned about his friend Mr. Bounlort. He expressed concern about him. You said he was adamant that he -- that it wasn't -- the drugs weren't his?
A. Absolutely.
Q. And, again, Captain Painter wrote that statement out, right?
A. Yes.
Q. Okay.

MR. FILE: That's all.

MR. KENDALL: Just to clarify one thing.

REDIRECT EXAMINATION BY MR. KENDALL:

Q. When you all got consent to search the vehicle, what were you -- what did you do?
A. I searched the cab of the truck.
Q. All right. And what did -- what did Captain Painter do?
A. They went to the back. They were searching back there.
Q. And once the drugs were found, once the search was complete, did you see them at that point?
A. See?

Q. Once they found the narcotics in the back --
A. Yes, sir.
Q. Once you were done with your search and they were done with their search --
A. Yes, sir.
Q. -- did you see the narcotics at that point?
A. Yes, sir, I did.
Q. You just can't -- you were searching the front of the truck?
A. Yes, sir.
Q. They were searching the back of the truck?
A. That's right.
Q. That's usually the initial moment they were found? You saw them sitting in the back of the truck, is that fair to say?
A. Yes, sir.

MR. KENDALL: Nothing further, Your Honor.

THE COURT: Step down.

We are going to take a short break. I'll ask the jury to please go to your jury room. Do not discuss the case. I'll bring you back after that break.

(The following takes place outside the presence of the jury panel)

THE COURT: We will be at ease for fifteen minutes.

(Whereupon, proceedings were recessed)

(Whereupon, proceedings were reconvened)

THE COURT: Are y'all ready for the jury?

MR. KENDALL: We are, Your Honor.

THE COURT: All right, bring them in.

(The following takes place in the presence of the jury panel)

THE COURT: All right. You may continue.

MR. KENDALL: Your Honor, at this time the State would call Billy Anthony.

THE CLERK: Please raise your right hand.

OFFICER BILLY ANTHONY, having been first duly sworn, testified as follows:

THE WITNESS: I do.

DIRECT EXAMINATION BY MR. KENDALL:

Q. Could you please state your name for the record?

A. Billy Anthony.

Q. And Mr. Anthony, where are you currently employed?

A. The Cherokee County Sheriff's Office.

Q. How long have you been with the sheriff's office?

A. I have been employed there full time for seventeen years.

Q. And what are your responsibilities? What is your rank at the sheriff's office?

A. I'm a lieutenant in the Crime Scene Investigations and

Evidence Division.

Q. All right. And with regards to your position with evidence, what do you do there?

A. We typically take in any evidence that's submitted, whether it's collected on the scene by us or if it's dropped at our evidence drop box by our officers. We log that evidence in and store it.

If it needs to be transferred to another agency, such as drug evidence that's transferred to SLED, I arrange transfers there to SLED and then bring it back to our department.

Q. Okay. And please describe how that process works.

A. Basically in the sheriff's office we have some evidence lockers that have keys in them. If items are too big to drop in our drop slot where the key is actually dropped into our drop slot, they can store the evidence in those lockers until one of the evidence custodians comes and removes it.

Like in this case we have about the size of a mail slot in the wall. The officers can drop the evidence in and it drops into a large box inside our evidence vault and the only people that can retrieve it is myself, Lieutenant Jimmy Henson, Lieutenant Rodney Bright, and the sheriff.

Q. Okay. And was that done in this case? Was it followed along those procedures in this case?

A. Yes, sir, it was.

Q. And how are they dropped? Do they just throw the drugs in there in whatever bag they got?
A. Typically in drug cases we will see all drugs are submitted in the BEST Kit. That's what was submitted in this case. Any other evidence is in some type of envelope or plastic container. It's usually sealed.
Q. Okay. And what do you all do when those bags come through?
A. When they're dropped into the drop box, when we get in there we take and get the chain of custody paper -- all the paperwork that's with the evidence and we log it into our computer system. That's how we track the evidence is by the case number associated with it. It generates a bar code for each piece of evidence and we will affix it to whatever piece of evidence we have. That's how we track it, storing it, transferring it to other agencies, or even bringing it here to court.
Q. Okay. And what do you check when you are logging this stuff into the drop box?
A. When we have anything, such as a BEST Kit that's dropped, that's a tamper-evident container.

Across the top, when they seal the evidence in, it's like a glue strip across the top. If anyone tries to open it, it's evident. The word void will typically show up there if they try to open it. About the only way to get

into it, you have to actually physically cut the bag. We inspect those bags to make sure that there hasn't been anything tampered with. If it has, it's notated on the paperwork and it goes up to the supervisor.

Q. All right. And so State's Exhibit 14, 15, and 16, was that the procedure that was followed for each of these?

A. Yes, sir, it was.

Q. And so each of those were -- when you got them they were in the sealed container?

A. They were. And once I entered them in, you can see our bar code with the case numbers affixed to each separate envelope.

Q. And what do you do with those once you -- once you logged them in and everything?

A. Once we log them in, I log them into a second system, which is SLED's I-Lab system, and then we transfer -- I transferred them to SLED, which I put them in a locker at SLED evidence control. And when they are done testing it, I retrieved them back from SLED evidence.

Q. Okay. And are those that was ultimately submitted to SLED in this case and ultimately returned from SLED in this case?

A. Yes, sir, they were.

Q. Have they been materially altered in any way, other than the addition of the outside packaging, which is things

that typically happen at SLED?
A. No, sir, they are in the same state.
Q. Please answer any questions that Mr. File may have.
CROSS EXAMINATION BY MR. FILE:
Q. Mr. Anthony, so what's your position with the sheriff's office?
A. I do crime scene and evidence.
Q. So you go out to crime scenes and take pictures and whatever they want you to do?
A. Yes, sir, that's correct.
Q. And do you -- did anybody ever ask you on those two containers, which I believe was this container here, did you have anything to do with the chain of custody on that?
A. Yes, sir, I did.
Q. And did you have anything to do with the chain of custody on this?
A. Yes, sir.
Q. And nobody asked you to fingerprint those, did they?
A. No, sir.
Q. Okay.
Now, you have established a chain of custody for those drugs. What's the purpose of a chain of custody?
A. To show the physical custody of where any evidence is taken, where it's received.
Q. It's just to ensure that it wasn't tampered with by

anybody else or nobody opened it or did anything to it --
A. Yes.
Q. -- or messed with it, or add to it, or take from it, or anything like that, isn't it?
A. Yes, sir, that's correct.
Q. All right.
MR. FILE: That's all.
REDIRECT EXAMINATION BY MR. KENDALL:
Q. What types of cases do you typically get fingerprints on?
A. We typically fingerprint items that are involved in crimes.
Usually we are looking to figure out who a suspect may be on an unknown crime, or we may not know typically, like a burglary, or, you know, a homicide, or something, where you don't know who your suspect is.
Q. So it's to identify someone, is that correct?
A. Yes, sir.
Q. Would that be something essential to do when somebody tells you it's theirs?
A. Not typically, no, sir.
Q. What about if it's found amongst their stuff who it belongs to?
A. No, sir.
Q. What about things found in their home? Would you

typically fingerprint things you find in people's houses that they don't -- that they claim are theirs?
A. Things that are in your home you are going to handle, so typically we wouldn't for that purpose.
Q. Okay. So would it be common for you to fingerprint something like this after -- where somebody has said it's theirs, one that's found in one's possession in a tool bag and one that's found in their freezer?
A. No, sir.
Q. It wouldn't be typical to test it, is that correct?
A. That's correct.

MR. KENDALL: I have nothing further, Your Honor.

THE COURT: Step down.

MR. KENDALL: Your Honor, at this time the State would call Lynn Black.

THE CLERK: Please raise your right hand.

SLED AGENT LYNN BLACK, having been first duly sworn, testified as follows:

THE WITNESS: I do.

DIRECT EXAMINATION BY MR. KENDALL:
Q. Could you please introduce yourself to the jury?
A. My name is Lynn Black. I work for the South Carolina Law Enforcement Division in the forensic services laboratory as a drug analyst.
Q. All right. And tell the jury, if you could, about your

training and experience.

A. I have a Bachelor of Science Degree in Chemistry from Kentucky Wesleyan College; a Certificate of Medical Technology from the University of Louisville; and a Master of Science Degree in Forensic Science from Marshall University.

Also prior to my job at SLED I worked as a drug chemist at the Georgia Bureau of Investigation in Atlanta, Georgia for about eight years, and I have been with SLED for ten and a half years as a drug analyst.

Q. Okay. And what are your duties at SLED?

A. I determine whether substances brought in by law enforcement personnel are controlled substances or not, and I also testify in courts of law.

Q. Okay. So it would be sort of a -- a laymen's way to say that is you find our if they are drugs and you tell the jury about it?

A. Correct.

Q. And have you ever had the occasion to analyze substances to determine whether something is a narcotic-type substance?

A. Yes, I have.

Q. If you had to guess, how many times would that be?

A. Actually I have testified 38 times in South Carolina and a hundred times in Georgia.

Q. All right. And how many times have you actually tested drugs?
A. Now, that's a good one. I just looked in the computer system today. I have done over 9,500 cases in South Carolina, and in Georgia I believe I did over 8,000 cases.
Q. Okay. So you have certainly tested your fair share of narcotics --
A. Yes, sir, I have.
Q. -- for controlled substances?
A. Correct.

MR. KENDALL: Your Honor, at this time the State would offer Lynn Black as an expert in the field of chemistry and the analysis of narcotics.

MR. FILE: No objection.

THE COURT: She is so qualified.

BY MR. KENDALL:
Q. I'm going to show you --

I'm going to do these all three together. So at any point in time you need to talk specifically about one, please let me know.

I'm going to show you State's Exhibit 14, 15, and 16.

I guest first with respect to State's Exhibit 14 --
A. Okay.
Q. -- can you identify that package?
A. I can.

Q. When did you receive that package?

A. If I may refer to my notes?

This one I received August the 17th of 2018.

Q. Okay. And why was this package delivered to you?

A. The Cherokee County sheriff submitted this for analysis of the substances to determine whether they are controlled or not.

Q. And could you please describe how the contents of the package when you received them?

A. When I received it, it's in what's called the BEST Kit, which I know that you have been hearing about, so that --

Do you want me to explain exactly what that is? I can --

Q. Can you just very briefly -- and if you -- really, if you could just describe what it means to you, what you look for.

A. The BEST Kit is -- it's a tamper-evident bag, which is what's inside here. You see the red part of this bag that it came in. It's a BEST bag.

BEST is an acronym for Best Evidence Sample Testing. It's just a way that SLED came up with to streamline how drug evidence is submitted.

It's usually what I receive is a manila envelope that has this bag in it, which the law enforcement agency had put -- you know, put their drugs into, and also comes with

the paperwork that they submit for us to enter into our computer system, which is a request form and a chain of custody.

So as I said, I usually get the manila envelope that has the tamper-evident bag that's sealed, and in this case it was sealed.

I generally write on the bag, the BEST bag, our case number, which is a unique crime lab case number, and I also put whether the seal was intact or not. In this case I did.

Q. Okay. When you got that, that was a sealed BEST bag, is that fair to say and it hadn't been tampered with?

A. Correct.

Q. All right.

Would you have done testing if that bag had been tampered with?

A. I would have tested it, yes. Our policy now is to go ahead and test it and then on my worksheet and also on our report we would have noted that the BEST Kit was not properly sealed when it was submitted.

Q. Okay.

A. In this particular case that did not happen.

Q. Okay. And so once you received it, what do you do first? Do you test the substance, or do you weigh it?

A. I weigh it. I take it out of the bag. I cut open the BEST bag and take out the substance and I usually take a net

weight.

In this particular case I believe there were two ziplock bags and I actually -- I weighed them both. I took a net weight of one of them that I did full testing on, and I took a gross weight of the other one.

Q. Okay. And let's talk about that for a moment.

When you talk about doing the net weight and testing, why do you do that?

A. We wanted to have the weight of the substance only. So these came in ziplock bags. So what I do is on my balance I would -- I think because this was quite a bit of substance, I would take a weigh boat and place it on there and then tear the balance, which means zero out the weigh boat, so then my balance reads zero. And then I take the substance out of the ziplock bag and place it in that weigh boat and I then I get the weight, just that substance only without the bag, and that's the net weight.

So I needed the net weight and it was over per our policy our statutory threshold, so I wasn't obligated to test the other one. It looked the same, and it was a crystalline material. So if we have substances that look the same, we can only have to test enough up to a certain weight, which is called the statutory threshold, and so I did not have to do the full testing of the second bag.

Q. Well, let's talk about the statutory threshold. Is it

fair to say in drug cases the laws are broken into different weights? Is that fair to say?

So, for example, in this case the defendant is charged with one count of 28 to a 100, and -- methamphetamine 28 to 100, methamphetamine between one and 200?

So in this case would testing that second bag have gotten it up to that next level?

A. It would not, no.

Q. Okay.

A. I met the threshold of the 28 grams.

Q. Okay. And what would the -- on this particular one, on L-18-07959, what did you determine the weight to be?

A. The net weight was 55.50 grams.

Q. Okay. And did you determine what that substance was?

A. I determined that it was methamphetamine.

Q. Okay. And what kind of test did you use to make that determination?

A. In this particular case I performed -- let me check.

I believe it was Fourier Transform Infrared Spectroscopy. It's a big mouthful, I know. FTIR for short, yes.

Q. Okay. And could you please state your opinion what that substance is on State's Exhibit 14 and how much it weighed?

A. State's Exhibit 14, it was methamphetamine found in the

sample tested and the net weight was 55.50 grams.

MR. KENDALL: Your Honor, at this time the State would offer State's Exhibit 14 into evidence.

MR. FILE: No objection.

THE COURT: It's admitted.

(Whereupon, State's Exhibit No. 14 was entered into the record as evidence)

BY MR. KENDALL:

Q. And just to be clear about something, the 55.5, the amount that you said is methamphetamine. In addition to that, there was another bag that had a similar looking substance in it that you didn't test, correct?

A. Correct. That's correct.

Q. All right. But the bag you did test 55.5, is that correct?

A. That's correct, yes.

Q. I guess the point I'm -- we are not penalizing you for things you didn't test, is that fair to say?

A. Correct, yes.

Q. The next one I would like to look at is State's Exhibit 15. And when you received that bag was the seal intact as well?

A. It was.

As I said before, I usually write on the bag with the crown number and whether the seal was intact and it does say

seal intact with my initials and the date.
Q. Okay. And did you weigh that substance as well?
A. I did. This one contained three ziplock bags and I tested two of them.
Q. Okay. And how much was the weight of the two bags that you did test?
A. The two bags together weighed 111 grams -- excuse me, 111.66 grams.
Q. Okay. Then there was a third bag you didn't test. How much did that one separately weigh?
A. The gross weight of that third one was 57.12 grams.
Q. Okay. So let's focus on the 111.66 that you did test.
A. Okay.
Q. Were you able to determine what substance that was?
A. Yes, both of them contained methamphetamine.
Q. Okay. So in your expert opinion, what kind of drugs were they and how much was it?
A. The two bags that I tested I found methamphetamine and the samples tested and the net weight, which is the total of both of them, was 111.66 grams.
Q. Okay. And on State's Exhibit 14 and 15, what did you do with them once you were done testing them?
A. Once I tested them, I placed them in the drug evidence vault until I had occasion to take them back down to evidence control.

Q. All right. Do you put any additional packaging with them?

A. Aside from -- you know, I placed them, the BEST Kit bag, which like I said has this red part on it, this bag on the outside, it's a bag that we provide, and I placed all the evidence in it. It's called the K-Pack. It's just what the manufacturer calls it. So we just place all the evidence in one of those bags and heat seal it at the bottom and place the unique crime lab case number in a bar code form on the outside, and then I take that down to evidence control and then eventually the Cherokee County sheriff will come and pick it up.

Q. And those are not reusable either, is that correct?

A. Correct. It's not like a ziplock. It's a heat sealed seal on there.

Q. Okay. And the writing that's on the inside of these bags, do you recall if you added the bags, or if they --

A. Those are I believe are the original bags. I generally try to keep them. It would say on there lab bag, or bag added, or something.

Q. Okay. But you did the writing with the lab number on there?

A. That's correct, that purple writing is mine.

MR. KENDALL: Your Honor, we would offer State's 15 into evidence.

MR. FILE: No objection.

THE COURT: It's admitted.

(Whereupon, State's Exhibit No. 15 was entered into the record as evidence)

BY MR. KENDALL:

Q. And finally turning to State's Exhibit 16. When this arrived, was this intact as well?

A. Yes.

Q. A sealed pack as well?

A. Yes, it was.

Q. All right. And what did that bag contain, that bag contain?

A. This bag had a silver metal container that contained crystal substance and one tablet.

Q. Okay. And did you test those substances?

A. I did. I tested both of them.

Q. All right. And what did you --

On the methamphetamine, what did the weight come out to be?

Sorry, in each one of those, what did the weight come out to be?

A. The crystal substance, the net weight was 0.45 grams, and then the tablet weighed 0.30 grams.

Q. Okay. And was there an additional item 1.2 as well?

A. I'm sorry, yes, sir, there was. There is another

ziplock bag that had crystal substance as well. It weighed 1.15 grams.

Q. Okay. In each one of those, were those methamphetamine as well?

A. They were all methamphetamine, yes, sir.

Q. All right. So in your expert opinion, what were the weights and substances found in each one of those containers?

A. So the first item that was crystal substance, methamphetamine was found in the sample tested and it weighed 0.45 grams.

The second item was a multi-colored tablet that methamphetamine was found in the sample tested and it weighed 0.30 grams.

And the third item was a ziplock bag containing crystal substance, methamphetamine was found in the sample tested and it weighed 1.15 grams.

Q. Okay. And did you package that up using the K-Pack bag and send it back to Cherokee County?

A. Yes, I did.

Q. Okay.

A. This outer bag is the K-Pack, yes.

MR. KENDALL: Your Honor, we would offer State's Exhibit 16 into evidence at this time.

MR. FILE: No objection.

THE COURT: It's admitted.

(Whereupon, State's Exhibit No. 16 was entered into the record as evidence)

BY MR. KENDALL:

Q. I'd like to just take a second and talk about the pill that was found. It was one multi-coded tablet that tested positive for methamphetamine. Is that -- obviously that's different than the rest of them. Is it common for pills to contain elements of methamphetamine?

A. These days it is.

In the past, probably before I started working at SLED, tablets like these used to, you know, contain other substances, but these days most of them are going to contain methamphetamine.

Sometimes we see Cathinone, which is also called a bath salt. Maybe you all have heard of that, but methamphetamine is very common in these types of tablets.

This was a multi-colored. I couldn't determine what was on it, but they typically come in different shapes and sizes. Sometimes they have cartoon characters on them. Sometimes they have car emblems on them. You name it, they got it. Even heads of characters, you know. I have seen Walter White. I have seen Bart Simpson. This one I couldn't identify, but it's very typical for them to be methamphetamine.

Q. Is it fairly common that methamphetamine mixed with ecstasy or MDMA in pill form?
A. Not -- not lately. I haven't seen ecstasy in a tablet form in years. That used to be what was in these tablets, but they are not making them any more. The MDMA ecstasy I have seen has been in powder form, not in tablets.
Q. Okay. But they do -- in some instances you mix that with methamphetamine?
A. I don't recall if seeing those together, but I'm sure it's definitely possible.

MR. KENDALL: At this time, Your Honor, I would request permission to simply pass these bags around to the jury for them to physically look at them.

THE COURT: Okay.

BY MR. KENDALL:
Q. Ma'am, if you would please answer any questions Mr. File may have.

MR. FILE: I have no questions of her.

THE COURT: You may step down.

We are going to recess for the afternoon.

Keep in mind the caution I gave you before lunch. No discussions in the case. No investigation. No research.

Let me see y'all for a minute.

(Off the record).

(Back on the record).

STATE OF SOUTH CAROLINA	
	COURT OF GENERAL SESSIONS
COUNTY OF CHEROKEE	2018-GS-11-00648; 00681
STATE OF SOUTH CAROLINA, PLAINTIFF	
vs.	TRANSCRIPT OF RECORD
GLEN EDWARD WALDROP, DEFENDANT	

ORIGINAL

June 6, 2019
Cherokee, South Carolina

B E F O R E:

THE HONORABLE J. DERHAM COLE, Judge; and a jury.

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

GEORGE M. KENDALL, ESQ.
Attorney for the State

ROBIN C. FILE, ESQ.
Attorney for the Defendant

APRIL HERRON
Official Court Reporter

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There were no exhibits.

THE COURT: Are we ready for the jury?

MR. KENDALL: Yes, sir, Your Honor.

MR. FILE: Yes, sir.

THE COURT: Okay, bring them in.

MR. KENDALL: I'm sorry, Your Honor, we're about to rest. I wasn't sure do that.

THE COURT: You don't have anymore witnesses?

MR. KENDALL: No, sir.

THE COURT: All right, Mr. File, you talked to Mr. Waldrop about his right to testify as well as not?

MR. FILE: Yes, sir, Your Honor.

THE COURT: Has he indicated to you his expressions?

MR. FILE: He's indicated to me that he wishes to testify and I do have one other witness who has been subpoenaed.

EXAMINATION

BY THE COURT:

Q All right, Mr. Waldrop, do you understand that when you're charged with a crime you have an absolute right to remain silent and nobody can make you testify in a trial. You can never be required to answer any questions that relate to the charge against you, certainly not any that might tend to prove you guilty. So, you have

an absolute right to remain silent and to rest upon The State's burden to establish your guilt to the satisfaction of this jury beyond a reasonable doubt. You also have the right to testify if you wish to, it's your choice, you get to make that decision. If you choose to testify, you'll have to answer not only your lawyer's questions but you'll have to answer the questions of the prosecutor, at least to the extent they're relevant, even if the responses to those questions might tend to prove you guilty. Have you and Mr. File had the opportunity to discuss your right to testify as well as not?

A Yes, sir.

Q Has he also discussed with you the advantages of testifying as well as the advantages of not testifying?

A Yes, sir.

Q And do you appreciate what those advantages as well as disadvantages are?

A Yes, sir.

Q And have you had time to reflect upon your decision?

A Yes, sir.

Q And have you reached one?

A Yes, sir.

Q What is it?

A I chose to stand on the witness stand and

testify.

Q All right. Is that a decision that you made of your own freewill and accord?

A Yes, sir.

Q Has anybody pressured you into it?

A No, sir.

Q Has anyone even suggested what the decision you ought to make?

A No, sir.

Q You made that on your own?

A Yes, sir.

Q You're satisfied with it?

A Yes, sir?

THE COURT: Okay, are there any 609?

MR. KENDALL: I believe he's going to have two that are potential 609 impeachable offenses. He has a criminal domestic violence of high and aggravated nature from 2012. And a manufacture, distribution, etcetera of methamphetamine from 2016. And possession of amphetamine from 2016.

THE COURT: All right, Mr. File, what's The Defendant's position?

MR. FILE: Your Honor, we--

THE COURT: You object to the admissions of the convictions?

MR. FILE: Yes, sir.

THE COURT: All right, Mr. Kendall, tell me how these should be considered in the light the State vs.---

MR. KENDALL: I agree that the drug offenses certainly are not -- that is the case.

THE COURT: All right, how about the aggravated domestic violence?

MR. KENDALL: I think the sole benefit to it is to show general criminal activity. And it carries in excess of a year. And doesn't have a correlation to this, it's not a crime of dishonesty, I acknowledge that. So those are potential -- we agree that there's not.

THE COURT: You're not going to ask him about it unless it otherwise becomes relevant?

MR. KENDALL: That's correct, Your Honor.

THE COURT: I think that's prudent.

All right, Mr. File, you might want to talk with Mr. Waldrop. Those crimes are not going to be inquired about on cross-examination unless he somehow opens the door to admission of such.

MR. FILE: I have explained that to him, Judge.

THE COURT: Okay, we're ready for the jury then.

(WHEREUPON, the jury came into open court at approximately 10:43 a.m.)

THE COURT: Good morning, ladies and gentlemen, as you know when we recessed yesterday The State was in the midst of their presentation. So, we will continue with any further evidence this morning.

Mr. Kendall.

MR. KENDALL: Your Honor, The State rests at this time.

THE COURT: All right.

That's all of the testimony or other evidence that The State intends to introduce, at least in their case in chief. So, we'll now proceed to any to be offered by The Defense.

Mr. File.

MR. FILE: Your Honor, we would call Mr. Savalia to the stand.

THE COURT: Let me ask you to come around and this lady right here, the court reporter, give her your name and correct spelling, please.

THE WITNESS: Sanjay Savalia. S-A-N-J-A-Y S-A-V-A-L-I-A.

THE CLERK: Please raise your right hand.

Sanjay Savalia, after being duly sworn{,}testified as follows:{F}

THE CLERK: Watch your step.

DIRECT EXAMINATION

BY MR. FILE:

Q Would you please state your name, tell the jury your name?

A Say again.

Q Please tell the jury your name.

A Sanjay Savalia.

Q Mr. Savalia, do you work with or at the Homestead Lodge?

A Yes.

Q How long have you worked there?

A Been since 2016.

Q Okay. And are you familiar and do you know Mr. Glen Waldrop?

A Yes, I do.

Q And what -- did he work there?

A Yes, he does like apartment maintenance job.

Q So, he's kind of like the handyman?

A Yes.

Q Okay. And was he staying there back in March of 2018?

A Yes, he was.

Q Specifically, March 21st of 2018?

A Yes.

Q Okay. Was he working as a handyman there?

A Yes.

Q Okay. Your hotel has been under renovations for quite some time; is that correct?

A Yes.

Q What type of renovations are you doing?

A Did like compete wall to wall.

Q Okay.

A Just completely tear the whole thing.

Q All right. As part of the renovations were there -- there were a lot of tools and things that was -- that Mr. Waldrop was using?

A Yes.

Q Okay. All right. Do you know where those tools were kept or the tool pouches that he used?

A It was like -- we got like a couple different room. One of them was key and log. When he stays he keep a sometime in there. Some of the rooms they was in there working, they was outside, that doesn't even have door.

Q Okay. Did you have occasion to see where he left his tool bag sometimes?

A Yeah, he was left -- when he working he left it in the room. And after they arrested there was tools everywhere I had to go collect from everywhere. There was no door.

Q Okay. So, you're saying at times it was kept in

a unsecured room?

A Yes, it was.

Q Okay. All right. And so, would that room have been open door or no door?

A There wasn't a door in there.

Q No door. Okay. All right. How many times do you think you saw that happen?

A Almost every day was some there but I tell them every day before I leave, make sure you put up the tools.

Q Okay.

A After I left -- I stay in Spartanburg so I don't know what is happening after I left.

Q All right.

MR. FILE: Okay, that's all I have of this witness.

CROSS-EXAMINATION

BY MR. KENDALL:

Q Thank you very much. Mr. Savalia, you testified a moment ago that you stay in Spartanburg a lot of the time; is that correct?

A Yes.

Q Would you say that's your primary residence, primarily where you work; is that accurate?

A Yes.

Q But you're also overseeing some of the

renovations that took place here at Homestead Lodge?

A Yes.

Q Were you at the Homestead Lodge on March 21st, 2018? The day this happened, were you at the lodge?

A I was not at the lodge.

Q Okay. And so, it is fair to say you couldn't testify where those tools were on that day; is that fair to say?

A Not that day, no.

Q Okay. So, he had the ability, correct me if I'm wrong, to move the tools to whatever room he wanted to move them to; is that correct?

A Yes.

Q So, for example, if they were in a unlocked room, he can move them and put them say in his own room; is that fair to say?

A Yes.

Q He can put them in a truck and drive away, is that also fair to say?

A Yes.

Q And you testified that the room was unlocked, is that -- there was -- one of the rooms he worked in was unlocked; is that correct?

A The room was like one side, we just take all around. Then doing some work in there, so.

Q Okay. Then he had access to another room that was locked; is that correct?

A Yes.

Q Then he had access to his own room; is that correct?

A Yes.

Q Do you recall what room he was staying in at the time?

A 107.

Q Okay. He was staying at 107 at the Homestead Lodge?

A Yes, sir.

Q And he sometimes kept his tools in there, is that fair to say?

A Yes.

Q And sir, just to summarize, you don't know on March 21st where he had those tools? You weren't there, you weren't on the property or anything like that; is that correct?

A Yes.

Q And is it fair to say if were someone to leave the tools unsecured for days at a time, they could potentially be stolen; is that fair to say?

A Yes and we missing some tools too, so.

Q Okay. Did anybody live with Mr. Waldrop?

A Was supposed to by himself.

Q Okay.

A Nobody allowed in the room other than himself. Sometime I see him visiting his girlfriend or.

Q But he was the only one that lived there?

A Yeah, he was supposed to be the only one.

Q Other people might come by and say hello or stay --

A Yes.

Q -- but it was his residence--

A Yes.

Q -- that's where he was living, room 107?

A Yes.

MR. KENDALL: Thank you, I have no further questions.

MR. FILE: No redirect.

THE COURT: You may step down. You can also be excused. Thank you.

MR. FILE: Defense would call Glen Waldrop.

THE CLERK: Please raise your right hand.

Glen Waldrop, after being duly sworn{,}testified as follows:{F}

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. FILE:

Q Please state your name.

A My name is Glen Edward Waldrop.
Q Mr. Waldrop, how old are you?
A I'm 49 years old.
Q Okay. And you've heard the testimony in this courtroom the last two days, were you working at the Homestead Lodge on March 21st and before that?
A Yes, sir.
Q Okay. What type of work were you doing there?
A Maintenance and a little bit of everything, whatever needs to be done.
Q Okay. And were there -- was the lodge undergoing some changes?
A Yeah, major renovations.
Q Were you assisting with that?
A Yes, sir.
Q All right. As part of that, did you have a tool belt that you've seen in the pictures?
A Yes, sir.
Q Okay. And what was that used for?
A I mainly kept my plumbing materials and stuff in it. Little fitting stuff -- plumbing stuff with.
Q Okay. Would it be safe so say that you used that daily or weekly?
A Not usually. Usually, I mean, I use it for a month or so and may not use it for a month or two, you

know, just depends on how the water lines acting.

Q All right. And where are -- what places was that tool belt kept?

A I kept it around a little cart I had, a little rolling cart. Stayed in the back room, the last room on the left that's on the backside of the building.

Q Okay. And that last room on the left on the backside of the building that you're describing, what was the security for that room?

A There was none. There was no doors on that side of the building or that section. As -- the next section I left it in the room with no door on it.

Q So, those rooms were open to the public or basically for anybody to walk in?

A Yeah.

Q Okay. At any time on or around or just before March 21st, do you recall, specifically, where you left the tool bag at that time?

A Well, I -- yeah, it was in that back room. It didn't move it until March 21st.

Q Okay.

A I -- and hand it to my friend, he walked out and put it in his truck.

Q Why did you do that?

A I had to do some plumbing at my house.

Q At your house?

A Well, at my home. My residence in Spartanburg that I stay in.

Q All right. And where was that residence?

A 2049 South Church Street?

Q All right. Why was your friend there?

A Well, because I don't drive. I don't have a automobile, I don't have no license so I don't drive anywhere.

Q Okay. So, he was there to pick you up?

A He was there to give me a ride.

Q All right. And so, you gave him your tool bag?

A Yes.

Q And what did do?

A I just went -- from there I went and got my close out of the laundry down at the end of the building. And throwed my bags of clothes in the truck and took off.

Q Why did you put those clothes in?

A Trash bag, big black trash bag. They were still soaking wet.

Q Were they still wet?

A I had to emergency stop it.

Q Okay. All right. And then, you were in the truck when officers tried to stop it?

A Yes, sir.

Q All right. What was your reaction when you saw the blue lights?

A I don't know. Well, the drive asked me was he being pulled over? And I just looked at the speedometer and it said 52 on the digital speedometer and we had our seatbelts on. So, I said, I don't know why.

Then he looked back and said, Well they're not highway patrol.

I said, I don't know.

So, I tried to see if they wanted us to pull over. And they never made a motion for us to pull over. And I was looking in the rear-view mirror. I was asking him do you want us to pull over? And they never did. Finally, I talked him into pulling over and Spartanburg -- when he got in Spartanburg he pulled over.

Q Okay. And the driver is Mr. Ko'larb Bounlont?

A Yes, sir.

Q Where is he from?

A He is from [indiscernible].

Q How long have you known him?

A I've known him about four years. Four, four and a half years.

Q Okay. And what is your assessment of his English speaking abilities?

A Very limited.

Q Is what?

A It's very limited. He cannot read and write.

Q Okay. When you tell him something, how does he react to it?

A Well most of the time we have to argue about it for a few minutes before I can explain to him what I'm trying to say to him.

Q All right. Now, when they got pulled over, what took place? What do you recall taking place?

A Well, I just -- we got out and they asked us why we didn't stop for the blue lights.

I said, I don't know what we was getting pulled over for, I don't know what. I said, I don't know why we're being pulled over, as to why we didn't pull over, you know what I'm saying? I mean, we weren't breaking the law.

Q Okay. All right. And did -- did you -- were you handcuffed at any point?

A Uh-huh. Well, I told him I had drugs in my pocket and he handcuffed me.

Q Okay. So, you did have some drugs in your pocket?

A Yeah.

Q Okay. And were you there when they found the bag in the back of the truck?

A Yeah, I was there.

Q All right. And what was your reaction to that?

A I was -- well, I mean, the bag is mine, when they pulled that thing out of the bag I was like, Oh my Lord, I don't know what it was. But I don't know. I mean, I was kind of stun, I really didn't know what was going on.

Q So, you were surprised at what they found in the bag?

A Yes, sir.

Q Okay. And did you tell them anything when you saw what they found in the bag? Did you say anything?

A I did. I told them to blame it on me because I know that Bernard, he kind of clueless, I mean, kind of. I may have a reason for -- do something to me.

Q So, you told them to blame it on you?

A I did, I did.

Q All right. Why was that because?

A Because I didn't think he should get in any trouble being involved with drugs. I mean, he's never even seen what drugs looked like or being involved. I say I am now. I still am a addict. And I kind of brought it on him and ruin his life because of me, you know.

Q Okay. So, you felt bad for Mr. Ko'larb Bounlont?

A Yes, sir.

Q And is that safe to say?

A Yes, sir.

Q Okay. And then at the jail -- they took you to jail, didn't they?

A I remember, yeah.

Q And they came and talked to you the next day at the jail?

A Yes, sir.

Q Okay. And what -- what do you recall -- what can you tell the jury about that situation?

A They just asked me to sign a statement and I told them I'd anything if they drop the charges on him. They didn't agree to nothing or anything, I just said that. And I signed it. Maybe everybody go back.

Q So, Captain Painter wrote out a statement for you?

A Well, somebody did. There was like four guys in the room. But, I mean, I was thinking that somebody else wrote the statement and I signed it anyway, doesn't matter.

Q So, how did you tell them exactly that you had signed the statement, what did you tell them?

A I just said I'll sign anything you write if you let him go. And that's what I said.

Q Okay. Was there some conversation beforehand, before that was all presented to you?

A Well, not really. They asked me to tell them where I got it from, stuff like that. And I can't tell you what I don't know. So, I just told them I would sign anything they put down.

Q Okay. So, you basically told them you would sign anything if they would cut Mr. Ko'larb Bounlont loose?

A Yes, sir.

Q And you still felt bad about that at point; is that correct?

A Yes, sir.

Q All right. How do you feel even today about that?

A I still feel bad about it. I mean, ain't nothing I can do about it but, I mean, it ruined his life, took away his truck, he worked all his life for, you know.

Q Okay. Now, as far as that statement goes, you said how many people were there?

A There was at least four or five people in that interrogation room when I was in there, so. There was this black sitting straight across from me and then Mr. Painter and the other guy there. And then there was two other guys sitting on the end of the table. The big

guy he was just like a jailer, I guess. I don't know. But, yeah.

Q Okay. Okay. All right. Do you recall if they were any recording devices there?

A I thought there was, I could have swore there was on the end of the table. I maybe wrong, that's been a while back. I could have swore.

Q All right. Is that all you have to tell the jury today about this situation?

A Yes, sir.

Q Okay.

MR. FILE: That's all.

CROSS-EXAMINATION

BY MR. KENDALL:

Q All right. Just to clarify something, Mr. Waldrop, the drugs in the back of the car were not Mr. Ko'larb Bounlont's; is that correct?

A No, they were not.

Q They were not.

A They couldn't have been.

Q Okay. The drugs in your pocket were not Mr. Bounlont's; is that correct?

A That's correct.

Q And the drugs back at the hotel room were not Mr. Bounlont's; is that correct?

A No, I guess.

Q Okay. Well I just need to make sure. So, as far as--

A There were not his, no.

Q Okay. So, they're not his drugs? Okay. All right. At the time this was going on you were working as the maintenance man at the Homestead Lodge; is that correct?

A Yes.

Q And at that time you lived in room 107; is that correct?

A Yes, sir.

Q All right. And the tool bag that was found that contained the silver -- the silver container that ultimately had the 111 grams, that tool bag was your; is that correct?

A That was my tool bag, yes, sir.

Q Okay. And I'm going to show you State's Exhibit 16.

A Yes, that's mine.

Q Those drugs there are yours, State's Exhibit 16?

A (The witness nods.)

Q Okay. And now I'm going to show you what has been entered into evidence as State's Exhibit 9. All right.

A My refrigerate, that ain't my Folgers can.
Q That's your freezer, correct?
A Yes. I mean, they all look the same but that's not my Folgers can. I don't that.
Q All right. Well, as luck would have it, it didn't actually contain Folgers?
A Right.
Q It contained methamphetamine.
A Don't have my fingerprints on it neither.
Q That is your freezer though, correct?
A I don't know, that doesn't show the room number or nothing. I know that that's a freezer there but I'm saying that ain't mine.
Q Okay. You were staying at room 107 at that time; is that correct?
A Yeah.
Q All right. And you heard testimony from officers that that was a search of room 107; is that correct?
A Yeah.
Q And you were the primary resident you were the one that was living there, correct?
A Yes, sir.
Q I know you had guests and Mr. Bounlont would come by from time to time but that was, in fact, your

room; right?

A Yes.

Q Now, you testified a moment ago that they never made any indication for y'all to pull over; is that correct?

A Yes, I did.

Q But they had their lights on, is that fair to say?

A Yes but there's construction there -- highway patrolman coming back and forth with lights on.

Q And they had sirens on as well, correct?

A No, I never heard sirens. We didn't have no radio on and our window was halfway down, so. Never heard the sirens.

Q You didn't hear the sirens but you saw the blue lights?

A Yes, sir.

Q And you saw the blue lights starting up here off of Floyd Baker?

A No, I didn't see blue lights until we got down to Exit 90 at yellow mall.

Q Okay. All right, yellow mall. And the blue lights stayed on until, what was it, Exit 83?

A Yeah and they stayed like four or five car lengths behind us. We weren't, I mean, we weren't doing

but 52. Why didn't they come up beside us, tell us to pull over there?

Q There's other reasons you can pull over a car; is that correct? Other than just speeding and seatbelts, right?

A I mean, I guess. I -- I guess if your highway patrolman, yes.

Q Okay. And nobody pulled over until y'all got to the Spartanburg line?

A Right.

Q Okay. Now, we talked a moment ago about your statement. And you indicated you signed it just to get Mr. Bounlont out of trouble.

A Uh-huh.

Q I just want to make sure we're clear on this, is that the address that you gave law enforcement, 136 Peachoid Road, 107?

A Uh-huh.

Q Is that your signature right there on the Waiver of Rights?

A Uh-huh.

Q And is that your signature there on the Waiver of Rights?

A Uh0huh.

Q And you signed here?

A Yeah.

Q And you signed the statement as well, correct?

A I did.

Q All right. And they gave you the opportunity to read that; is that correct?

A They did but I didn't read it.

Q All right. It was read allowed to you; is that correct?

A I don't remember. I don't recall.

Q You don't remember, okay. But that is your signature or all those documents, right?

A Yes.

Q Claiming those drugs?

A Yes, it is.

MR. KENDALL: Nothing further, Your Honor.

MR. FILE: So, a couple of questions on redirect, Judge.

THE COURT: Okay.

REDIRECT EXAMINATION

BY MR. FILE:

Q Mr. Waldrop, Mr. Kendall asked you about the Folgers can in the refrigerator?

A Yes, sir.

Q And you said you had people come visit your room from time to time?

A Yes.

Q Okay. Would there have been times when your refrigerator or your room, maybe, was left unattended or anything?

A Yeah, I mean all the time, really. I -- I was in and out my room all day, every day. Going in and out.

Q Did you lock the door?

A Well, I mean, sometimes -- they automatically lock, sometimes it don't. I mean, I just walk in and out of there. At that time we was -- cameras rolling -- they changed over the system so everything magically disappeared as far as cameras go, so.

Q So, you don't -- you told him you don't know how the Folgers can got in your refrigerator?

A Yes, sir, I did.

MR. FILE: Okay, that's all.

THE COURT: You may step down.

MR. FILE: Your Honor, to The Defense would rest.

THE COURT: Okay.

Any reply?

MR. KENDALL: No, sir, Your Honor.

THE COURT: All right, ladies and gentlemen, that is all of the testimony or other evidence to be offered in the trial of the case. What remains to be

done are the lawyers final summations, after which I will instruct you on the law and then you will being with your deliberations. I've got some matters I need to address with the lawyers first. It should take only a few minutes. So, I'll ask you to please go to your jury room. But do not yet begin any discussions, I'll bring you back shortly.

(WHEREUPON, the jury left open court at approximately 11:09 a.m.)

THE COURT: Do y'all have any instruction requests?

MR. FILE: Judge, I would ask for, I guess, a charge on possession to -- basad on what was found in the silver container. If they were to find him guilty because he admitted possession to the silver container, maybe not trafficking but could find him guilty of possession.

THE COURT: All right, Mr. Kendall.

Y'all have to remind me, what was in the container in that pocket?

MR. KENDALL: He had a couple grams of methamphetamine, approximately.

THE COURT: Okay.

MR. KENDALL: And the pill that was found, that was methamphetamine also. The question is whether or

not we can charge him with possession with intent to distribute as well. Could we just have a moment, Your Honor?

THE COURT: Sure.

MR. KENDALL: Your Honor, we've talked about it and we think possession would be appropriate to be charged. We're not to going to ask for possession with intent to distribute charge as well.

THE COURT: Okay.

MR. KENDALL: Just offer possession.

THE COURT: So, will be trafficking and possession if they find less than one hundred or less than 28?

MR. KENDALL: I think it would be -- I think it would be possession.

THE COURT: Well, the hotel--

MR. KENDALL: That was 28 to 100, yes sir.

THE COURT: I know but what did the evidence establish the amount?

MR. KENDALL: SLED black.

THE COURT: I know but what was that.

UNIDENTIFIED ATTORNEY: 55.5, grams, Your Honor.

THE COURT: All right, that doesn't seem to be in dispute, does it Mr. File?

MR. FILE: No, sir.

THE COURT: Okay. So, on Indictment 648, I'll instruct them on trafficking and also possession. And then on Indictment 681, it will simply be trafficking. Twenty-eight to 100.

MR. KENDALL: Yes, sir.

MR. FILE: Yes, sir.

THE COURT: All right. Any other?

MR. KENDALL: No, sir, from The State, Your Honor.

MR. FILE: None, Your Honor.

THE COURT: We're going to take a ten minute recess before we conclude.

(WHEREUPON, a short break was taken.)

THE COURT: Let me ask y'all to review the verdict form.

All right, we're ready for the jury?

MR. KENDALL: Yes, sir, Your Honor.

MR. FILE: Yes.

THE COURT: Okay, bring them in.

(WHEREUPON, the jury came into open court at approximately 11:33 a.m.)

THE COURT: All right, as you know, you're going to hear the final summations of the lawyers, after which I will give you the instructions on the law, then you can begin your deliberations. The way

that's accomplished, The State goes forward first in the final summation, followed by defense counsel. Then The State is permitted to a brief reply to The Defense's final statement. So, please give the lawyers your attention as they give you those final summations.

Mr. Kendall.

CLOSING STATEMENT

MR. KENDALL: Thank you, Your Honor.

May it please the Court.

Counsel.

Ladies and gentlemen of the jury, I thank you for your time over the course of this trial. At the beginning of this trial I asked you three things, to listen to the instructions of the Judge, to listen to the facts presented, to use common sense. In a few moments the Judge is going to give you your final instructions on the law upon which you apply the facts which you've reached. I'd like to take a few moments to talk about that. If anything I say is different than anything the Judge says, please listen to the Judge. By definition he is the decider of what the law is. And so please follow his instructions.

There are two different charges in this case,

ladies and gentlemen. A trafficking in methamphetamine in excess of one but less than 200 gram. That's for the narcotics that were found in the silver container during the traffic stop and it was on him. And in trafficking 28 to 100 grams. You will also get a charge, ladies and gentlemen, on thing trafficking, one to 200 for the possession of methamphetamine. If you find that -- or you don't find beyond a reasonable doubt that the drugs found in the silver container were his, but you do find the drug which were in his pocket, which he claimed were his, you could return a verdict of methamphetamine [verbatim]. It's The State's position that all of these drugs are his, ladies and gentlemen.

I'd liked to talk more about what the law on trafficking is. A person is guilty of trafficking when they knowingly sell, manufacture, deliver, purchase or bring into the state or provide financial assistance or otherwise aid, abet, attempt or conspire to sell, manufacture, deliver, purchase or bring into the state; or who's knowingly in actual or constructive possession; or who knowingly attempts to become in actual or constructive possession of narcotics. In these cases the relative amounts are in excess of one but less than 200 grams of

methamphetamine and 28 to 100 grams of methamphetamine. Specifically, about 111 grams and about a little over 55-grams.

Now, actual constructive possession are a little bit different. Actual possession is when the drugs are found in the physical -- or excuse me, are found in the actual physical custody of the Defendant. For example, if you've got drugs in your pocket, you would have actual possession of those drugs. Constructive possession by contrast, is when the Defendant has power to exercise dominion and control over those narcotics. This can be established through direct or circumstantial evidence. And constructive possession can be established by circumstantial evidence and possession can be shared among -- So, it's not necessary for you, the jury, to find who the drugs must belong to or primarily belonged to. Only that the Defendant has the right to exercise dominion and control over those drugs. In this instance, though, our Defendant has actually said he does not want them to be Mr. Bounlont's drugs.

I'd like to apply that law, ladies and gentlemen, to the facts in this case. This occurred here in Cherokee County. Primarily, Cherokee County,

on March 21, 2018. Law enforcement was conducting a surveillance operation in cooperation with Spartanburg County narcotics. They followed the vehicle driven by Mr. Bounlont to Mr. Waldrop's hotel room, room 107 here in Cherokee County, the Homestead Lodge. There they waited for a substantial amount of time conducting surveillance. They did not see a lot of people coming in and out of this courtroom but they did see Mr. Bounlont come out of the room holding the bag that ultimately contained methamphetamine.

This is important, ladies and gentlemen, because it shows where the bag came from. The bag didn't come from some third location, it didn't come from some unsured room. The bag came from inside Mr. Waldrop's room. A room that was that later found to have 55 grams of methamphetamine in a Folgers container in the freezer.

They observed Mr. Waldrop exit the room, get in the passenger side of the vehicle and they left. Following a traffic violation, law enforcement attempted to execute a traffic stop. You heard somewhat conflicting testimony with regards to this, ladies and gentlemen. About whether the driver, Mr. Bounlont, the passenger, Mr. Waldrop, were

acknowledging what was happening. And you heard from Ronnie Painter and David Owens about them looking back and trying to make eye contact with them. Whereas, Mr. Waldrop testified that they kind of didn't know what was happening as to why they were trying to stop them. Either way, they went from Gaffney, around mile marker 90 or so, all they way down, at a minimum mile marker 90, all the way down to Spartanburg County at mile marker 83. With law enforcement behind them with blue lights trying to get them to pull over.

After getting stopped they were asked permission to search the vehicle. And they found 111 grams of methamphetamine, ladies and gentlemen, in this silver container, sitting in the back of the car. And what was it in? It was in Mr. Waldrop's tool bag. His tool bag. They searched Mr. Waldrop. And what did they find there, ladies and gentlemen? What did he give them, ladies and gentlemen? The methamphetamine that was inside of his pants. That he had in his pockets.

They then went and got a search warrant from Mr. Waldrop's room. In there, inside of the room, inside of the freezer, they found another container, ladies and gentlemen, a Folgers container. And what

did this contain? Contained 55 grams of methamphetamine. This is particularly interesting for two reasons, ladies and gentlemen. First, we know that bag came from inside Mr. Waldrop's room. It ended up on the back of that truck in his tool belt. It was found to have methamphetamine. Then that case 111 grams. And there was additional methamphetamine in his room.

You also heard testimony, ladies and gentlemen, as to the quantity. They tested it with regards to narcotics in his room, one bag. It was found to be about 55.5 grams or so. You also heard testimony that what they found in the silver container was approximately 111 grams. A little over 111 grams, testing two of these containers. Of course, they're a total of three here. Ladies and gentlemen, we have one that's a little over 55, 55 and a half. And two that's about 111. Now, she didn't testify with regard to what each individual bag weighed. You, the jury, can look physically at it and tell this appears to be very similar quantities of what was found in that silver container and what was found in that Folgers container.

Additionally, ladies and gentlemen, Mr. Waldrop was interviewed at the detention center. And he gave

a statement to law enforcement. He's indicated that the signature on the form was his. The statement he gave or he says the police wrote -- or that the statement -- he acknowledges his signature on the form. He acknowledges he signed this. That he was interviewed by law enforcement. Advised of these rights. And this was the form that he signed. And what does it say?

On March 21st, 2018, around 6:15, a friend of mine, Lock [ph], was giving me a ride to Don Foster's in Spartanburg. Which is a drug treatment program. I had to be in class by seven or I would be kicked out. When I left my room at the Homestead Lodge, I took some of my meth with me. I took a silver ice container that had seven to eight ounces of methamphetamine with me in my tool bag. I also had left two to four ounces of meth back in my room in a Folgers coffee container in the freezer of my room. As me and Lock were on our way to Spartanburg, I noticed blue lights behind us, I told Lock to pull over and he finally did. He pulled into a gas station and the police found meth. And Esctacy in my pants. The police also found the meth that was in my tool bag.

In this statement, ladies and gentlemen, he

claims that methamphetamine. He claims that methamphetamine in the bag and he claims that the methamphetamine in the tool box, in the tool belt. He signs and acknowledges the statement, claiming that that's his methamphetamine. This statement isn't the same of what you heard today. This isn't the same as, don't know how it got there. This isn't as, sometimes my tool belt gets left out unsecured. This isn't the same as, somehow my room automatically locks, sometimes somebody could have got in, I don't know. The statement he gave to law enforcement at that time was that this methamphetamine was his. It was his in the back of the truck. It was his in his room. It was his in his tool belt.

Now, ladies and gentlemen, on construction sites it's certainly conceivable that if someone leaves tools unsecured sometimes. It's not beyond the realm of possibility that when you're working that you would have your tools locked up every single second. But in this instance, we know where that bags comes from. That bag didn't just go straight from the room out to the car. That bag went from that room to his room, the same room that was that later found to have 55 grams of methamphetamine and then on the back of that truck.

Ladies and gentlemen, at the beginning of the trial I asked you to use common sense. I hope you'll do that when evaluating the facts in this case and return a verdict of guilty. Thank you.

THE COURT: Mr. File.

CLOSING STATEMENT

MR. FILE: May it please the Court.

Ladies and gentlemen of the jury, I'm not going to be too long with you. I don't want you to feel like I'm one of those long-winded preachers and say, I wish he'd just shut up. I'm going to get right to point on this thing. Mr. Waldrop walked into this courtroom an innocent man, he remains an innocent man throughout this trial. And he remains an innocent man until you return a verdict in this case.

There are several issues in The State's case that I believe should give you a reason for pause and concern in this case before deciding that The State has met their burden of proof. Which is proving Mr. Waldrop is guilty of these offenses beyond a reasonable doubt. That's a heavy burden. And as jurors, it's your job to hold them to that. It's okay to say they haven't met that burden. That's what makes our jury system the best system for justice in this world is the jurors fortitude to say

to The State, you didn't prove your case. Now, there some, as I said, there's some issues in this case that I feel like should be cause for concern.

First of all, none of this was ever video taped or audio taped throughout the whole process. From the car stop, not the search of that room and certainly not Mr. Waldrop's -- the taking of Mr. Waldrop's statement. They had the technology to video tape nowadays and audiotape. You see it on TV, you see it on Live PD. You see it all over the news. But yet they didn't do that. We're relying on the word of the officers. And I respect these officers very much but we're relying on the word of the officers when there's other means available to ensure what really was taking place.

Second, The State, as you saw with the witnesses and the lady from SLED that came and testified, there was a chain of custody, okay. In handling these drugs all the way through the process. They established a chain of custody for that. To make sure that the drugs weren't tampered with. That nobody could add or subtract from the drugs or alter them or no additions or deletions or alterations of any type. However, there was no such chain of custody with that tool bag. You heard Mr. Waldrop

testify and you heard the lady -- the man from Homestead Lodge testify that that tool bag was often kept in a room in which there was no door or it was unlocked. So, anybody could access that tool bag and place the drugs in that tool bag without Mr. Waldrop's knowledge. I submit to you that that's entirely possible. It was unsecured.

He also testified that people had access to his room. Or sometimes he left his room unlocked. And that search was made before they ever confronted Mr. Waldrop about giving a statement. Now, let's talk about his statement for a minute. There are some things there that are a little disturbing to me. Mr. Waldrop was confronted by officers who came to the jail to see him. And they didn't bring a video or audio recorder. I mean, at least they could have brought a audio recorder to record that statement. They said they talked to him for a little while before he -- before Captain Painter wrote out a statement for Mr. Waldrop to sign. Both Captain Painter and Mr. Waldrop both said he had concern for his friend Mr. Bounlont. He felt extremely guilty abut the fact that he had given Mr. Bounlont the tool bag that turned out to have drugs in it. He felt extremely bad about that as would anyone.

And he tells you or told you from this witness stand that he told the officers that he would sign anything if they would cut Mr. Bounlont loose. And lo and behold, Captain Painter presents him with a statement that Captain Painter has written out that Mr. Waldrop signs. Also, as far as the car stop, going back to the car stop. Mr. Waldrop testified that he told Mr. Bounlont to pull over. And he told the officers that he told Mr. Bounlont to pull over. Why would he do that if he knew there was trafficking amount of drugs in his truck? Why would he do that?

He admitted to you in court today that he does -- he's a addict, a methamphetamine addict, has done methamphetamine before. And in his statement he indicated that he was seeking treatment for that. And, in fact, when they were pulled over he pulled some drugs out of his pocket and handed them to the officer. So, why wouldn't he have told the officers that there were also drugs in that tool belt if he knew about it?

The Judge is going to instruct you on that -- in that particular case involving the car stop, that you can find him guilty of possession. Which is what he owned up to, okay. He pulled some drugs out of his pocket. He admits he and addict. He has possession

of some drugs. I would submit to you there's some reasonable doubt as to whether or not that the rest of the drugs in that vehicle were his. In addition, neither one of those containers, this silver container and the Folgers coffee can in this bag, neither one of them were fingerprinted. Nobody ever bothered to check to see, you know, just to make a iron clad case, to see if Mr. Waldrop's fingerprints were on those containers. That could have been done as well.

So, ladies and gentlemen, it's your job to weigh the evidence, look at the evidence. And view the evidence and to test the evidence. And for you to decide whether or not The State has carried their burden of proof in this case. And it's my opinion, I hope you agree with it, that there are plenty of questions in this case to the point that they haven't carried that burden. There's what we call reasonable doubt. And it's your job as jurors to call them on it. It's okay to tell them. Again, that's what makes our justice system great.

So, I submit to you there's enough issues in this case for you -- and enough holes in this case for you to say they haven't met their burden. And I would ask you to return a verdict of not guilty. If

you don't feel you can do that, I would ask you to hold Mr. Waldrop accountable to what he's owned up to, which is possession of methamphetamine. Thank you.

CLOSING STATEMENT

MR. KENDALL: To be clear, ladies and gentlemen, he's owned up to more than possession of methamphetamine. When his statement was taken, he claimed all of the drugs. Not just claimed all of the drugs but claimed all of the drugs and explained how they were there. He left his room to go to Spartanburg. He took, I believe he says here, seven or eight ounces of methamphetamine. He leaves two or four ounces in the freezer of his house. His original story appears to be some methamphetamine, he took some of it and left some of it. Today we get a entirely different story. This original story, not crazy, not far off by -- he left some drugs, he took some with him, he left some there. That's what basically happened. Appears to be consistent with the amounts. Explain that look. There doesn't appear to be very much else in this freezer -- suggested that somehow somebody stashed it behind the ice cream.

It's today that we've gotten the second story or

second idea. The tool bag was left unsecured. That somehow, conceivably someone must have left that 111 grams of methamphetamine into his tool bag. But then, of course, there's the other problem that he left the methamphetamine at his house. That somehow the methamphetamine got into his house as well. That somebody also would have come in and just put 55 grams of methamphetamine in his freezer. As if that would be a common thing for people to stash methamphetamine in unsecured tools, 111 grams worth. Three pretty good size bags.

And then, show up to a house, which apparently had a automatic locking door that didn't work sometimes. And then also hide an additional 55 grams inside of the room. And that's what we're going with hear. Either one, as his original statement, that he just had a bunch of methamphetamine in his room, he took some with him to Spartanburg and he left some there. They found the stuff he tried to take to Spartanburg, executed a search warrant and found the other stuff. Or two, somehow people are just leaving an awful lot of methamphetamine stashed about his things. Either his tool bag or his belt.

Now, Mr. File's brought up some other things. The lack of DNA. Or excuse me, fingerprints. You

heard from law enforcement, what fingerprints are usually used for is to identify who's is it? Who's got the prints on it? In this case, the next day, they had someone who claimed it, Mr. Waldrop. He said it was his. It was found amongst his things. The Folgers container was found in his freezer. Not, I would point out, buried in a stack full freezer, sitting right in front. If he didn't use Folgers, I believe his testimony was, that would be a little odd. Like you would miss that. A giant Folgers container sitting right in front of your freezer.

He also criticized law enforcement for lack of video. Well, with regard to the stop, you heard testimony on why that was, ladies and gentlemen. Even narcotics agents, driving around in undercover cars, they're not outfitted with the same video equipment as the regular cruisers. They don't have video in the car, they're undercover.

And as regards to taking the statement, I don't believe he denied signing that that was the statement that was given. Law enforcement gave that to him. They read that to him. You heard two officers testify that they read it back to him. He was certainly given the opportunity to see it. He acknowledges himself that that is his statement, that

is his signature of the statement of rights that are his -- on the Waiver of Rights. It's his on the bottom of it, that he initials it. This is the statement which he signed for law enforcement, ladies and gentlemen. There isn't some -- he doesn't deny that he signed that.

What he's saying now is he wasn't truthful with law enforcement because he wanted to get his find out of trouble. I mean, that's what the story is now. It's not like the police were, you know, forging his signature of something. It's that he signed the statement which he apparently claims now he knew was untrue or didn't look to see if it was untrue in order to get his friend out of trouble. And, ladies and gentlemen, I submit to you that's not consistent with the facts. When the man was found to have in his tool bag 111 grams of methamphetamine. In his pocket, give or take a gram and a half or so of methamphetamine. In his room, which he is the sole occupant of, room 107, an additional 55 grams of methamphetamine.

Ladies and gentlemen, at the beginning of this trial I asked you to use common sense. I hope you will in this case and return a verdict of guilty. Thank you.

JURY CHARGE

THE COURT: Mr. Foreman, ladies and gentlemen of the jury, you, of course, have heard and see all the evidence in the case, you've also heard the final summations of the lawyers. And therefore, it now becomes my duty and obligation to instruct you on the law that's applicable in the case. You will then be asked to go back and begin thorough deliberations. And through that process you examine the evidence, determine the facts, apply the law and arrive at a fair decision, whatever that decision might be.

And it is your exclusive duty to determine what the facts are. And you do that through your own common sense, examination and evaluation of all of the testimony and the other evidence received during the course of this trial. And you 12 jurors alone decide what weight, value and effect to give any particular witness' testimony or other evidence in the case. Again, as I've stated, your sole objective is to simply render a fair and impartial decision based upon the evidence presented and the law that's applicable as I have provided it to you now.

In this case, as you know, the Defendant has been accused by the prosecutor by way of these indictments with having committed two separate and

distinct criminal offense. Although, they have alleged to have arisen out of one event or a course of events. Which The State alleges occurred back or about March 21st of 2018. Well, as I told you at the beginning, they're two separate charges. You're to consider those charges separately based upon the evidence that relates to the allegations contained in each of the indictments separately. Then apply the law that I will have provided it to you as it relates to that particular indictment. In order to arrive at your decision. And, of course, as I also told you, your decisions maybe the same as to each indictment, they may be different. That, of course, will be determined by your determination of the facts as they relate to the allegations then your application of the law.

But Indictment 2018-00648, charges Mr. Waldrop with the crime of trafficking in methamphetamine. The State alleges that occurred on March 21st of 2018. And they allege on that date that he did possess or either actual or constructively 100 grams or more or but less than 200 grams of methamphetamine. Which is a Scheduled II controlled substance under the law. Indictment 2018-00681, also charges Mr. Waldrop with trafficking in

methamphetamine, separate event, but occurring on March 21st, 2018. And they allege in that indictment that he did traffic in methamphetamine by having in his actual or constructive possession 28 grams or more but less than 100 grams of methamphetamine. Again, being a Scheduled II controlled substance under the law of this state.

Now, as to those allegations and as to each of those charges, The Defendant has entered a plea of not guilty. And as you know, that plea of not guilty has placed upon The State the burden of proving the allegations that they have made by way of each of those indictments. The burden of proving each of the essential elements of the crimes that have been alleged against the Defendant by way of each of those indictments. And therefore, the burden is upon The State to establish the Defendant's guilt to the satisfaction of you 12 jurors beyond a reasonable doubt before any verdict of guilty could be returned as to either indictment.

The burden is never upon a Defendant or person accused of a crime to prove that they are not guilty or to prove that they are innocent because in some cases that might not be possible. The burden is also upon The State because they made the accusation and

they brought the charge to establish that charge to your satisfaction beyond a reasonable doubt. It is a vital important and cardinal rule of law that every defendant in a criminal trial, and it doesn't matter how serious the offense might be for which that person stands charged, that person shall always be presumed innocent of that charge. And that presumption of innocence remains with any defendant as it does with this Defendant from the time he's placed under arrest and throughout the course of the criminal process and even throughout the course of the actual trial.

As I told you, that presumption of innocence will be with Mr. Waldrop even has you go back in your jury room after this instruction to begin with your deliberations in this case. And that presumption of innocence will be with him in that jury room and it will be with him forever unless you 12 jurors determine that he's no longer entitled to that presumption of innocence as it relates to a particular charge. In other words, after you carefully considered all the evidence in this case and from the evidence you've been able to determine the facts as they relate to the allegations that are contained in this particular indictment, and upon

deciding the facts you apply the law that I will have provided you. If you 12 jurors unanimously determine that the Defendant's guilt has been proven beyond a reasonable doubt as to a particular charge, then he would no longer be entitled to the presumption of innocence as it relates to that particular charge. But it is only if and unless and until you are satisfied of his guilt beyond a reasonable doubt that the presumption of innocence would no longer be applicable.

Now, The State does have the burden of proving The Defendant's guilt to your satisfaction beyond a reasonable doubt. That doesn't mean that the State has to prove his guilt beyond all doubt or beyond any possible doubt but it does require The State to prove his guilt to your satisfaction beyond a reasonable doubt. And the term reasonable doubt should be given its plain and ordinary meaning. A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act upon the information that has been provided. The Defendant is entitled to any reasonable doubt that arises from the evidence in the case or lack of evidence. And if upon any factual issue essential to a finding of the verdict of guilty, you have some reasonable doubt as to how that

issue should be resolved, it would be your duty to resolve that reasonable doubt in favor of the defendant.

Now, while there are various forms evidence such as testimony, photographs, documents, charts and other types of physical exhibits, there are really only two types of evidence. Either or both of those types testified may be used to prove any fact in issue. Either singularly or in combination. But the two types of evidence are direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who testifies from actual knowledge of that fact. It is testimony by a person who has perceived the existence of some facts by means of their senses, then they come into court and they testify as to what they had previously seen or heard or felt in that matter.

Direct evidence proves the existence or fact directly and does not require any deduction or inference in order to establish that fact. Circumstantial evidence on the other hand, is proof of some other fact or set of facts which taken either singly or collectively made through the existence of a fact in question, as a necessary consequence. That is through an inference. An inference is simply a

deduction of fact that may logically and reasonably be drown from the proof so some other fact or set of facts. It is a conclusion which you might reasonably draw from proof of those facts. In other words, you may infer that a particular event occurred or that a particular fact exists based upon the proof upon sufficient facts or circumstances which would reasonably warrant your arriving at a particular conclusion.

The commission of a crime and any particular element necessary to prove that crime, may be established by a direct evidence or by circumstantial evidence or by a combination of both direct and circumstantial evidence. The law makes no distinction in between the weight or value to be given to direct evidence or to circumstantial evidence. However, to the extent that The State relies upon circumstantial evidence to establish the commission of a crime, all of the circumstances proven must be consistent with each other and when taking together point conclusively to the guilt of the accused beyond a reasonable doubt. If these circumstances merely portray the Defendant's behavior as suspicious, the proof is insufficient and fails. The burden rests with The State regardless of whether

The State relies upon direct evidence or circumstantial evidence or some combination of those two types of evidence to prove the Defendant guilty beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilt. There are very few things in this world that we know with absolute certainty. And in criminal cases, the law does not require proof that overcomes every possible doubt. So, if based on your consideration of the evidence in this case, you are firmly convinced that the Defendant is guilty of a crime with which he is now charged, then you must find the Defendant guilty of that crime. And if on the other hand, you think there's a real possibility that the Defendant is not guilty of a particular crime with which he now stands charged, then you must give him the benefit of that doubt and find him not guilty.

Now, because you are the judges of the facts, you are, therefore, necessarily, the judges of the credibility. That is the believability of each witness that has testified during the course of the trial. But there are a number of factors which you can take into account in your assessment of evaluation as a particular witness' credibility. I'm

going to list those factors for you. You should consider the demeanor of the witness. That is how the witness appeared to you when the witness testified in front of you on the witness stand. Was the witness straightforward and responding to questions or was the witness hesitant or evasive is responding to the questions that were asked of that witness? Simply put, did the witness appear to you to be telling the truth and to have knowledge of the facts of which that witness has testified.

You should also consider whether or not the testimony of a witness is consistent or is it inconsistent with that witness' own testimony provided here in court or whether it is consistent or inconsistent with other statements made by that same witness, whether in court or outside of court. You should also consider whether or not the testimony of a witness is consistent or is it inconsistent with other testimony or other evidence received during the course of the trial. You should also consider how the witness came to know the facts to which that witness has testified. In other words, what opportunity did that witness have to perceive the existence of some fact of which they've come into court and testified by having previously used their

senses. And then, what is the ability of that witness to be able to come into court and to accurately recollect to you as to what they have previously perceived.

You should also consider any bias or prejudice or interest that a witness might have in regards to the case. In other words, do you find some reason that a particular witness would come into court and would testify one way or another to help or hurt one side or the other. And you may consider any interest that a witness might have in the outcome of the case, if you determine that the witness does have such an interest and you find that that interest would bear upon that particular witness' credibility. You should also consider whether or not the testimony of a witness is strengthened or is it weakened by other testimony or other evidence received during the course of the trial.

Now, you as the finders of the fact and you as the sole judges of the credibility of each witness that has testified during the course of this trial, are permitted to believe as much or as little of what the witness has testified to as you deem is appropriate in the exercise of good judgment and common sense. And so, you may believe everything

that a witness testified to, you may choose to believe none of it. You may believe some portion of a witness' testimony and reject some other portion of that same witness' testimony. You could believe one as opposed to several or several as opposed to one. But whatever your good judgment and common sense tells you is most believable and credible testimony, is the testimony you should accept. And you should reject any testimony or other evidence that you find not to be credibility or believable. Again, your sole objective is to simply render a fair and impartial decision based upon the evidence presented and the law that's applicable.

Now, the same law that provides that you are the judges of the facts, also provides that I am the judge of the law. And that simply means that nobody is going to tell you how to arrive at your determination of fact in this case. You do that, as I've already stated, through the exercise of good judgment and common sense, conscientiously applied to the testimony and the evidence received during the course of the trial. But under your oath as jurors, you must accept the law as I provide it to you as being the law that you are to apply in the case. And therefore, you are not to consider what you thought

the law was before you came to serve as a juror this week; or what you think the law ought to be. Under your oath as a juror, you simply must accept the law as I provide it to you as being the law that you ought to apply in the case. Then you take that law and you apply it to the facts as you, as a juror, determine those facts to be. Based upon your consideration of all the evidence received during the trial.

Now, as you know in this case, the Defendant, Glen Waldrop, is charged with having committed to separate and distinct criminal offenses occurring on the same day March 21 of 2018. And he's charged by way of each indictment with trafficking in methamphetamine. And there are different amounts alleged and I'll discuss that with you shortly. But trafficking in methamphetamine is a criminal offense that is set forth in Section 44-53-375, Subjection(c) and that statute provides in its relevant part, A person who is knowingly in actual or constructive possession or who knowingly attempts to become in actual or constructive possession of ten grams or more of methamphetamine, is guilty of the crime of trafficking in methamphetamine.

In this particular case, The State alleges in

one of the indictments that the Defendant did commit the crime of trafficking in methamphetamine by knowingly having in his actual or constructive possession 100 grams or more of methamphetamine. And in this case, in a separate indictment, the Defendant is also accused of having committed the crime of trafficking in methamphetamine by knowingly having in his actual or constructive possession 28 grams or more of methamphetamine.

South Carolina Code of Laws 44-53-370, Subsection(c) provides that, It shall be unlawful for any person to knowingly or intentionally possess a controlled substance unless that substance was obtained directly from or pursuant to a valid prescription or order of a practitioner, who is authorized by law, to dispense a controlled substance while acting in the course of his or her professional practice. Such as a physician, a dentist, a pharmacist or other person or authorized by law to distribute or to dispense controlled substances while acting in the regular course of his or her professional practice. And in accordance with all the legal requirements.

A controlled substance means a drug or other substance which is classified as a Schedules I

through V in the South Carolina Code of Laws, particular section which classify various types of drugs. Section 44-53-375, provides that it shall be unlawful for any person to possess any quantity of methamphetamine. And methamphetamine is classified in Section 44-53-210 of the code of laws, as a Scheduled II drug; and therefore, is declared to be a controlled substance under the law of this state.

So, before the Defendant may be found guilty of possession of or trafficking in a controlled substance, it must be proven beyond a reasonable doubt that the Defendant did knowingly or intentionally have in his actual or constructive possession, the controlled substance which is alleged to have been posed. And in this case, that would be methamphetamine. The term knowingly is defined as having knowledge of the fact. It is an act which is done willfully, purposely and consciously. And the term intentionally is defined as purposefully. That is by aim or design and not by accident, mistake or any burdens. It may be further defined as the state of a person's mind which directs his actions towards a specific object or goal.

Actual possession of a substance occurs when the substance is proven to have been in the actual

physical custody or control of the person charged with possession and shown to have knowledge of its presence. Constructive possession of a substance, on the other hand, occurs when a person, although not found to be in actual physical custody of the substance, does exercise dominion and control over that substance or has the right and intent to exercise dominion and control over the substance, even though not shown to have actual physical custody of that substance.

A person has possession of a substance within the meaning of the law when he has both the power, the ability and the intent to control the disposition or use of the substance. The actual possession, as well as the elements of knowledge and intent, may be proven by either direct evidence or by circumstantial evidence or by a combination of both direct evidence and circumstantial evidence. And possession of a substance may be jointly shared by two or more persons.

You are permitted to infer the act of possession of the substance as well the elements of knowledge and intent from evidence of acts, declarations or a conduct of a person charged with possession of that drug; as well as any other circumstances established

by the evidence in this case from which you may reasonably infer such knowledge and intent. In other words, you may infer the existence of a particular fact from the proof of some other fact or set of facts as I've described, but you are in no way required to do so. Your duty is to determine whether or not the State has proven the Defendant's guilt beyond a reasonable doubt based upon your careful examination and evaluation of all of the evidence received during the course of the trial, and any reasonable inferences that might be derived from that evidence. In the exercise of good judgment and common sense.

You are further instructed that proof of mere presence of a defendant at or near a location where a controlled substance is found, is not sufficient by itself to prove the defendant possessed that substance within dominion of the law. A defendant's mere presence where a substance is located, even with knowledge of its presence, is not sufficient standing alone to prove the crime of possession.

So, if after your review of the evidence presented in the case, you determine that the State has only proven that the Defendant was merely present at or near a place where a controlled substance was

found, but has failed to prove the elements of actual possession or constructive possession of that substance, as I have defined those terms for you, beyond a reasonable doubt then you must find the Defendant not guilty. And if after you review the evidence in this case and you determine that The State has proven beyond a reasonable doubt that the Defendant did knowingly possess a controlled substance, then it would be your duty to determine the amount which was possessed by the Defendant in arriving at your verdict as to each of the particular indictments.

And therefore, before the Defendant, in this case, may be found guilty of trafficking in methamphetamine as is alleged in Indictment 2018-00648, it would be necessary that the evidence in this case has established to your satisfaction beyond a reasonable doubt that the Defendant did knowingly possess methamphetamine; and the methamphetamine possessed by the Defendant was in an amount of 100 grams or more. If you find as it relates to that indictment that The State has proven that the Defendant did possess methamphetamine but the amount possessed was less than ten grams, then you could find the Defendant guilty of a lesser

offense of possession of methamphetamine as it relates to that particular indictment.

And as to Indictment 2018-00681, of the indictment also alleging trafficking in methamphetamine, 28 grams or more, The State would have to the establish beyond a reasonable doubt that the Defendant did possess methamphetamine and that the amount of methamphetamine possessed by the Defendant was in an amount of 28 grams or more.

Ladies and gentlemen, I am not in any way concerned with what your decision is. But as I had previously said, your verdicts has to be unanimous. All 12 of you must be in agreement before any decision may be reached and a verdict rendered.

Mr. Foreman, as you know, you're going to be presiding over jury deliberations in the jury room. Simply to ensure that those deliberations are carried out in some orderly fashion.

But all jurors are expected to participate. Because as I also stated in before, the verdict has to be the unanimous consensus opinion of all 12. So, all 12 must be in agreement before any decision may be rendered.

Mr. Foreman, you will be tasked, of course, with the responsibility of presiding over those

deliberations. You'll also be the person who will reflect the jury's decision on the verdict forms that I will provide you when you go back to begin deliberations.

I'll also -- have prepared a document, it's not an indictment but it reflects what the verdict forms are, just to help you understand the various charges that you fellow jurors will have. And you will have it in the jury room with you.

But you will -- and you can reflect the verdict on there but you will also be asked to indicate the jury's decision on the back of each indictment. You see in the lower left-hand corner the word, Verdict. And it's going to be beneath that word that you're going to insert the jury's decision as it relates to that particular indictment. You'll sign your name as foreperson and place a date on it. You are the only juror that needs to sign the verdict form. The other document, as I say, kind of explains the choices that you have with respect to each and separate indictments.

And what you will have, and you'll have this in the room with you but Indictment 2018-00648, that's the indictment that alleges the Defendant is guilty of trafficking in 100 grams or more. You're going to

have three potential verdict forms. Those three potential verdict forms are, Guilty, which means guilty of trafficking in 100 grams or more. Or if that has not been established beyond a reasonable doubt, you could consider the lesser-included offense of possession of methamphetamine, less than ten grams. And if that's what the jury finds then that would be your verdict form. Guilty of possession methamphetamine less than ten grams. Then the third potential verdict form would be not guilty.

And on Indictment 2018-00681, that's the indictment charging the Defendant with trafficking in 28 grams or more of methamphetamine, you have two potential verdict forms and those two potential verdict forms are guilty and not guilty. There are no lesser-included offenses to be considered with respect to that particular indictment. So, when you and your fellow jurors decide a verdict as to an indictment, insert it in the space provided, sign your name and date it.

Now, during deliberations there may come a time where jurors have a question about the facts or the evidence or the testimony. You might even wonder if there's something else out there you can and wonder if can get it. Please understand the case is closed.

No additional evidence can be received. Even if something existed out there that you thought would help, you can't have it because the evidence is closed. So, don't inquire about something that has not been introduced during the trial. You will have all of the exhibits which were introduced during the trial of the case and those exhibits will be going back with you when you go back to deliberate.

The lawyers and clerk will verify the existence of all the exhibits that have been introduced during the trial and so they all should be there. But should we make a mistake and you think something was introduced but you don't have it, then you let me know and we'll make that determination. But everything that was introduced should be given to you when you go back to deliberate. As I say, no additional evidence can be received.

If you have a question about testimony of a witness, we can rehear testimony if you need to. I don't have a transcript of the witnesses testimony, but if you want to rehear a witnesses testimony, either in whole or in part, we can bring you back into the courtroom and have the testimony replayed. Either in its entirety or some portion if that's all you need. If you ever have a question about the law

that is applicable, I am always permitted to answer those questions. So, should you need me to give a complete re-instruction, I'll be happy to do so. Should you need an explanation of some point of law, I'm happy to provide it. Should you need a clarification of point that I've provided, I'll be happy to provide that clarification. You just need to let me know.

So, Mr. Foreman, during deliberations if there ever comes a time where you need to address some question to me, you or a fellow juror has some issue or question, write it on a piece of paper, give it to the bailiff, he'll provide it to me and I'll respond accordingly.

Now, if we have smokers on the jury, you can't smoke in the jury room but if you want to smoke the bailiff will take you outside. But you are instructed that deliberations cannot be engaged in unless all 12 jurors are present so that all may participate. So, if at any time any juror is absent for some authorized purpose, the deliberations must stop. And they only resume when all are present so all can participate. I know that your lunches have been ordered. And I don't know whether they're here or not but as soon as they get here they will be

delivered to you in the jury room. And as far as that goes, you can stop and eat lunch and deliberate afterwards. Or you can deliberate while you're eating lunch if that's what you want to do. I'll just leave that up to you.

As far as the evidence is concerned, there are a number of packages that are sealed packages for obvious reasons. It's because it's evidence but it's also to -- so it doesn't get lost or get adulterated or whatever. But in any event, don't open the packages. If for some reason you need to open a package, you let the bailiff know and I'll make those arrangements. But do not cut open packages. But if you for some reason need to you let me know and we'll take about that and make those arrangements.

I think that covers everything. But in the event it doesn't, I'm sure one of these lawyers will remind me that I neglected something. And if I did and I need to bring you back, then I'll do so. If I don't need to bring you back, I'll simply send word by way of the bailiff that you may begin your deliberations. And in that event, he will bring to the jury room all of the exhibits which have been introduced in the trial.

And to you, Mr. Foreman, he'll also bring the

indictments which serve as the verdict form, that's the only reason they're there, they serve as the verdict forms. And then you will have this guidance document also to assist you with the various forms. So, what I simply would suggest is before you write the verdict on the back of the indictment, you put it on here and that way you will be certain to transpose it correctly. If you mess this form up, tell the bailiff you need another one, I can give you another one of these. But I only have one indictment in this case, two, but I only have one indictment. But I can redo this form so if you mess that up for some reason, you keep that one and let the bailiff know you need another one and we'll provide it to you. So, you can indicate the verdict on that document and then also indicate the jury's decision on the back of each indictment. Lower left-hand corner not where it says, Verdict. Okay.

Now, with the exception of the alternate, Ms. McGuinness, I'll ask you to stay in the courtroom with me.

And I'll ask the 12 primary jurors to please retire to your jury room but do not begin deliberations until I send word to do so.

(WHEREUPON, the jury left open court at approximately 12:34 p.m.)

THE COURT: Ms. McGuinness, you know, you can't participate in jury deliberations because the original 12 are able to perform that function, apparently. So, that's going to conclude your service for the trial of this case. It will also conclude your service for the week. This is the last case that we have that's going to a require jury's participation. So, you are going to be excused. And the clerk will provide you with your pay voucher and your statement for your employer should you need one. If you're curious about the decision and you want to stay, you're welcome to say. You don't have to. I'll leave it up to you. I assume you did order lunch.

And so, is lunch here?

THE BAILIFF: It is.

THE COURT: It is here, okay.

When you go back, they will take you back to the jury room. But do you want to stay and eat lunch?

ALTERNATE JUROR: Well, since I ordered, I don't want to waste it.

THE COURT: What I'm saying is you can stay and eat lunch if you're curious about the verdict. Or

you can take the lunch and go home, whatever you want to do, it's up to. What to you want to do?

PROSPECTIVE JUROR: I'll just take it and go, that's fine.

THE COURT: Okay. All right, let's -- all right, if you'll go with the bailiff downstairs they'll give you lunch too and a pay voucher but thank for your service this week. I hope that it's been an educational and beneficial experience for you.

PROSPECTIVE JUROR: It is, Your Honor.

THE COURT: Lunch is not here.

Are there any exceptions taken to the instruction or request or additional instructions by The State?

MR. KENDALL: No, Your Honor.

THE COURT: By The Defendant?

MR. FILE: No, Your Honor.

THE COURT: All right, let me ask y'all to verify the exhibits, please, before they go back.

All right, all the exhibits are counted for. All right, send them back, tell the jury to begin deliberating. Notify us when they've concluded. We'll be at ease while the jury is deliberating.

(WHEREUPON, deliberations began at approximately

12:39 p.m.)

(WHEREUPON, court was in recess awaiting a verdict.

THE COURT: I'm informed that the jury has reached a decision. Are we ready to receive it?

MR. KENDALL: Yes, Your Honor.

MR. FILE: Yes, sir, Your Honor.

THE COURT: Okay, bring them in, please.

(WHEREUPON, the jury came into open court at approximately 2:03 p.m.)

VERDICT

THE COURT: Mr. Foreman, have you and your fellow jurors reached a decision as it relates to each of the separate indictments?

MR. FOREMAN: Yes, sir, we have.

THE COURT: Have you reflected that decision on the back of the indictments as requested?

MR. FOREMAN: Yes, sir.

THE COURT: Did you sign your name as foreperson and date it?

MR. FOREMAN: Yes, sir.

THE COURT: All right, if you'd please hand those up by way of the bailiff.

All right, you may publish the verdicts.

THE CLERK: 2018-GS-11-681, the State vs. Glen

Edward Waldrop, indictment for trafficking in methamphetamine, the verdict is guilty. Signed by Foreperson, Jonathan Smiley. 2018-GS-11-648, the State vs. Glen Edward Waldrop, indictment for trafficking in methamphetamine, the verdict is guilty. Signed by Foreperson, Jonathan Smiley.

Ladies and gentlemen of the jury, if this is the verdict of you all, would you all please indicate by raising your right hand.

(WHEREUPON, all members of the jury raised their right hand.

THE CLERK: Thank you.

THE COURT: Does the Defendant wish to have the jury polled?

MR. FILE: No, Your Honor.

THE COURT: Are there any other matters to be addressed with the jury present?

MR. KENDALL: No, sir, Your Honor.

THE COURT: Okay.

MR. FILE: None, Judge.

THE COURT: All right.

Thank you, ladies and gentlemen, that's going to conclude your service not just for the case but for the week. This is the last case that requires a juries resolution. So, I do want to thank you for

your participation as jurors this week. And, of course, for your actual service in the trial of the case. I do sincerely hope that your service has not posed too much of a hardship on you. And I certainly hope that it has been an educational and beneficial experience for you. But this will be the last case that you'll need to participate in. The clerk has your pay vouchers. So, once you received those you may be excused with our thanks.

THE CLERK: I too want to thank you for your time and service this week. As I told you on Tuesday you play a very important role in the judicial system. When I call your name, if you would come forward and remove your badge, give that to the bailiff as you exit. If you take this pay voucher over at the Cherokee administration building that's over at 110 Railroad Avenue. You don't have to take it today but it is a voucher, it's not a check. Your Treasurer, Ms. Jackie Williams pays you cash for your service. So, that building is open from 8:30 to 5:00, there's a drive-thru on the right side of the building if you do want to go in. If not, when you go to make your tax payment, you can take it then.

(WHEREUPON, the jury left open court and was excused at approximately 2:07 p.m.)

SENTENCING

THE COURT: All right, any motions to address prior to sentencing?

MR. FILE: Your Honor, we just make a motion for a new trial and for judgment of acquittal not withstanding the verdict.

THE COURT: All right, motion for a new trial is denied.

MR. FILE: Thank you, Your Honor.

THE COURT: Are there any other pending cases?

MR. KENDALL: No, Your Honor.

THE COURT: Does Mr. Waldrop have any other pending cases?

MR. KENDALL: He's got one in Spartanburg, Your Honor. I'll touch base with them and see what they want to do with that one.

THE COURT: Okay, anything further on behalf of The State?

MR. KENDALL: No, Your Honor. Unless you want his criminal record.

THE COURT: Sure.

MR. KENDALL: From 1986, criminal domestic violence. 2012, criminal domestic violence of high and aggravated nature. 2014, violation of city ordinance. 2016, manufacture, distribution, etcetera

of methamphetamine first offense, possession of cocaine base or methamphetamine first offense. 2016, public disorderly conduct. I believe that's it, Your Honor.

THE COURT: All right, Mr. File.

MR. FILE: Your Honor, Mr. Waldrop is 49 years old. He's got two daughters, one that sat here in the courtroom yesterday, she's 19. She and her friend were in court yesterday. He's got another daughter I believe is about 47. He went to the 11th grade a Chapman High School, he dropped out. Try to enlist in the Marines but they wouldn't take him because he didn't have a high school diploma. He worked pretty much most of his life. He tells me he's had an addiction to drugs or methamphetamine for about going on 25, 26 years. Said he started when he was about 13.

So, I realize that you got to give him 25 on that one indictment. But on the indictment in which there is some range there, I would ask that you consider giving him a sentence along in that range given that he showed up for court whenever he was supposed to show up. Always showed up in my office for appointments and everything. He's always been here for court. He's just got a terrible addiction

to methamphetamine. And I think wreaking havoc on his life. He's divorced. I'd ask Your Honor to consider showing some leniency on that charge.

THE COURT: All right, Mr. Waldrop, would you like to add anything?

MR. WALDROP: No, sir.

MR. FILE: Judge, he did spend 21 days in jail according to the log information.

THE COURT: Okay.

On Indictment 2018-00648, an indictment for trafficking in methamphetamine, one hundred grams or more but less than 200, wherein you have been convicted by the jury of that offense, the sentence is that you, Glen Edward Waldrop, be confined to the South Carolina Department of Corrections for a period of 25 years. Indictment 2018-00681, also an indictment for trafficking in methamphetamine, 28 grams or more but less than 100, wherein you have been found guilty by the jury, the sentence of The Court is that you, Glen Edward Waldrop, be confined to the South Carolina Department of Corrections for a period of 25 years.

Mr. Waldrop, you have a right to appeal the verdicts of the jury and the sentence of The Court. You must file any notice of your intent to appeal

those decisions within ten days of today's date. Mr. File can assist you with that.

MR. FILE: Thank you, Your Honor.

MR. KENDALL: Thank you, Your Honor.

(WHEREUPON, the proceedings were concluded.)

03:07:38 p.m. 07-16-2019 3/7

WITNESSES

Cherokee County Sheriff's Office

DOCKET NO. **18-GS-11-** 00681

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

May 24 2018 TERM

ARREST WARRANT NUMBER

2018A1110100292

THE STATE

vs.

GLEN EDWARD WALDROP

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 5-24-18

Indictment for

TRAFFICKING IN METHAMPHETAMINE

SC Code: 44-53-375

VERDICT

Guilty

Foreperson of Petit Jury
Date: 6/6/19

2018 MAY 24 AM 10:51

8644872754

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on May 24 2018. the Grand Jurors of Cherokee County present upon their oath:

TRAFFICKING IN METHAMPHETAMINE

That Glen Edward Waldrop did in Cherokee County on or about March 21, 2018, knowingly sell, manufacture, deliver, purchase or bring into this State, or did provide financial assistance or did otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or did knowingly actually or constructively possess, or did knowingly attempt to actually or constructively possess (28) twenty - eight grams or more, but less than (100) one hundred grams of Methamphetamine, a schedule II controlled substance, in violation of §44-53-375, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

ASSISTANT SOLICITOR

6/7
07-16-2019
03:08:15 p.m.
8644872754

WITNESSES

Cherokee County Sheriff's Office

ARREST WARRANT NUMBER

2018A1110100293

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 5-24-18

VERDICT

Guilty

Foreperson of Petit Jury
Date: 6/6/19

DOCKET NO. 18-GS-11-00648

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

May 24 2018 **TERM**

THE STATE

vs.

GLEN EDWARD WALDROP

Indictment for

TRAFFICKING IN METHAMPHETAMINE

SC Code: 44-53-375

2018 MAY 24 AM 10:49

BRANDY H. MCBEE

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

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Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

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
Oct 19 2020
SC Court of Appeals

s/Taylor D. Gilliam
Taylor D. Gilliam
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 19th day of October, 2020.