

VOLUME II OF III

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Berkeley County

Deadra L. Jefferson, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JUSTIN GORDON HUNTER,

APPELLANT.

APPELLATE CASE NO. 2019-000469

RECORD ON APPEAL

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1 THE COURT: Approach.

2 (Whereupon, the following bench conference takes
3 place.):

4 MR. UNDERWOOD: Your Honor, it goes to show the
5 structure of organized --

6 THE COURT: You need to stop characterizing and let
7 him answer the question. You are leading. Either he knows
8 it of his personal knowledge or he doesn't.

9 MR. UNDERWOOD: The response he gave just prior to
10 that was going over his head. I was trying to elicit what
11 that meant. And he said he had to go over his head.

12 THE COURT: You need to rephrase the question.

13 (Whereupon, the bench conference ends.)

14 THE COURT: Objection sustained. Rephrase.

15 BY MR. UNDERWOOD:

16 Q. Mr. Sekula, what did it mean to go over Q's head?
17 What did you mean by that?

18 A. To make sure that the persons who was in charge
19 made things right, because it was his operation. It was --
20 Mo was there from the beginning. Mo was always there. And
21 these people always were added to what Mo was already doing.

22 Q. Whose operation was it?

23 A. Mo's.

24 Q. Moving on. Did you have a chance to do another
25 controlled purchase on December 9th, 2015?

1 A. Yes.

2 MR. UNDERWOOD: Permission to publish State's
3 Exhibit 8.

4 THE COURT: You may proceed.

5 MR. UNDERWOOD: Track 1.

6 (Whereupon, audio is played.)

7 MR. UNDERWOOD: Track 2. Permission to
8 fast-forward, Your Honor.

9 (Whereupon, audio is played.)

10 BY MR. UNDERWOOD:

11 Q. Mr. Sekula, who was present in the house during
12 that transaction?

13 A. Q and Cici.

14 Q. Who did you contact to arrange that transaction; do
15 you recall?

16 A. I don't recall at the moment, no.

17 Q. Who was the individual who actually gave you the
18 drugs in that case?

19 A. Cici.

20 Q. Is that what was happening in the kitchen?

21 A. Yeah.

22 Q. What was the discussion you had with the undercover
23 officer when you made it back to the vehicle?

24 A. I put my foot in my mouth and bust these guys'
25 balls a lot of times and I said she made it heavy. And I

1 asked if I could have it, joking around. You know? That
2 would never occur.

3 Q. When you say "made it heavy", what do you mean by
4 that?

5 A. It weighed more than it was supposed to. It was
6 supposed to be a gram and a half and she said she made it
7 fat so it weighed more than a gram and a half.

8 Q. And you were joking?

9 A. Yes, that would never happen, obviously.

10 Q. Again, you were strip searched after?

11 A. Yes. Every time I got back, I had to take every
12 piece of clothing off, the whole nine, just like I'm being
13 processed into jail.

14 Q. Did you arrange to do another controlled purchase
15 on December 16th, 2015?

16 A. Yes, sir.

17 MR. GRIFFITH: Your Honor, may we approach?

18 THE COURT: Yes.

19 (Whereupon, the following bench conference takes
20 place.):

21 MR. GRIFFITH: Mr. Roberts has to go to the
22 restroom.

23 (Whereupon, bench conference ends.)

24 THE COURT: Madam Forelady, ladies and gentlemen,
25 we need to take a brief break. During the break, please do

1 not discuss the case and keep your notepads in your seats.

2 You will be out in less than five minutes.

3 (Whereupon, the jury leaves open court at 2:44
4 p.m..)

5 THE COURT: As soon as Mr. Roberts has refreshed
6 himself, we will resume testimony. Sir, you can stand up if
7 you would like.

8 THE DEFENDANT: I'm a diabetic, that's all.

9 THE COURT: You don't need to apologize. Just give
10 us the high sign. We will break every time you need it.

11 (Whereupon, a recess transpired.)

12 THE COURT: Please bring in the jury.

13 (Whereupon, the jury returns to open court at 2:52
14 p.m..)

15 THE COURT: You may proceed.

16 MR. UNDERWOOD: Thank you, Your Honor.

17 THE COURT: You're welcome.

18 BY MR. UNDERWOOD:

19 Q. Mr. Sekula, we were discussing September 16th,
20 2015. Did you participate in another controlled purchase
21 with Dorchester County on that day?

22 A. Yes.

23 MR. UNDERWOOD: Permission to publish State's
24 Exhibit 9, Your Honor.

25 THE COURT: You may proceed.

1 MR. UNDERWOOD: Listening to track 2.

2 (Whereupon, audio is played.)

3 MR. UNDERWOOD: Track 3.

4 (Whereupon, audio is played.)

5 MR. UNDERWOOD: Permission to fast-forward, Your
6 Honor.

7 (Whereupon, audio is played.)

8 BY MR. UNDERWOOD:

9 Q. Mr. Sekula, were you able to purchase heroin during
10 that transaction?

11 A. Yeah.

12 Q. Who did you purchase it from?

13 A. Q.

14 Q. Did you turn that heroin over to the undercover
15 officer?

16 A. Yes, sir.

17 MR. GRIFFITH: Objection, Your Honor, continues to
18 coach and lead.

19 THE COURT: No speaking objection. The objection
20 is leading?

21 MR. GRIFFITH: Excuse me?

22 THE COURT: Is the objection leading? Is that the
23 basis of the objection?

24 MR. GRIFFITH: Leading.

25 THE COURT: Sustained. Leading. Rephrase.

1 BY MR. UNDERWOOD:

2 Q. After you got the heroin and returned the vehicle,
3 what did you do with it?

4 A. Gave it to Detective Allen.

5 Q. On September 25th, 2015, did you have occasion to
6 conduct a controlled purchase of heroin from a person you
7 knew as G?

8 A. Yes.

9 Q. Were there a series of phone calls to set that deal
10 up?

11 A. Yeah. Yes, there were a series of phone calls,
12 yes.

13 MR. UNDERWOOD: Permission to publish State's
14 Exhibit 10?

15 THE COURT: You may proceed.

16 (Whereupon, audio is played.)

17 BY MR. UNDERWOOD:.

18 Q. Who were you trying to call in that transaction?

19 A. Q, but I got G.

20 Q. Is that --

21 A. Q had the phone quite often at that time and they
22 sound similar.

23 Q. But the individual you spoke to --

24 A. Was G.

25 Q. You mentioned something about basketballs; what

1 does that mean?

2 A. I just needed to 8 balls, rather than saying it
3 over the phone, blatantly.

4 Q. And the reference to Ladson, what did that mean?

5 A. That would have been going to the house in Fairlawn
6 at Margaret.

7 MR. UNDERWOOD: Permission to publish Exhibit No.
8 11, Your Honor.

9 THE COURT: Proceed.

10 BY MR. UNDERWOOD:

11 Q. What did that reference to CP mean?

12 A. Over to College Park, which would have been Arno at
13 the time, but that would have been my understanding.

14 MR. UNDERWOOD: Permission to publish Exhibit 12,
15 Your Honor.

16 THE COURT: Proceed.

17 BY MR. UNDERWOOD:

18 Q. Which Sunoco is being referenced in that call?

19 A. The one by McDonald's on College Park Road.

20 MR. UNDERWOOD: Permission to publish Exhibit 13,
21 Your Honor.

22 THE COURT: Proceed.

23 (Whereupon, audio is played.)

24 BY MR. UNDERWOOD:

25 Q. Who is Chris?

1 A. Another guy that was kind of around for a short
2 period of time. I had owed him \$120 for something and I had
3 to make sure to pay him. He pulled a knife on me at some
4 point to make it clear he wanted the money.

5 Q. You said it was someone who was around. What do
6 you mean by that?

7 A. He helped out, but he wasn't there for any extended
8 amount of time, just was there, then he wasn't there.

9 Q. What did he do to help out?

10 A. Oh, he was serving. He was selling heroin. He
11 also had his own number.

12 Q. Why did you owe him money?

13 A. Because he fronted me something.

14 Q. Permission to publish Exhibit 14, Your Honor.

15 THE COURT: Proceed.

16 (Whereupon, audio is played.)

17 BY MR. UNDERWOOD:

18 Q. Mr. Sekula, were there times that you would meet at
19 locations other than a residence to do the transactions?

20 A. Yes.

21 Q. Was this one of those times?

22 A. Yes.

23 Q. Who arrived to do the transaction?

24 A. G.

25 Q. Was he alone?

1 A. No, there was another individual with him.

2 Q. Do you know who that was?

3 A. His name was Black.

4 Q. How did they get there?

5 A. They arrived in a vehicle.

6 Q. Do you remember what kind?

7 A. It was a burgundy Mercedes.

8 Q. Where did the actual transaction take place?

9 A. In the bathroom, the female's bathroom, yeah.

10 Q. Of that same Sunoco?

11 A. Yes.

12 Q. I'm going to move on to September 30th, 2015. Did
13 you conduct another controlled purchase on that date?

14 A. Yes.

15 MR. UNDERWOOD: Your Honor, permission to publish
16 State's Exhibit 20.

17 THE COURT: Proceed.

18 (Whereupon, audio is played.)

19 BY MR. UNDERWOOD:

20 Q. Is that one of the sound checks?

21 A. Yeah.

22 Q. Track 2.

23 (Whereupon, audio is played.)

24 BY MR. UNDERWOOD:

25 Q. During this transaction, was the recorder started

1 and stopped several times?

2 A. Yes. You can hear the snapping, you know.

3 Q. Track 3.

4 (Whereupon, audio is played.)

5 MR. UNDERWOOD: Track 4.

6 (Whereupon, audio is played.)

7 MR. UNDERWOOD: Track 5.

8 (Whereupon, audio is played.)

9 MR. UNDERWOOD: Track 6.

10 (Whereupon, audio is played.)

11 BY MR. UNDERWOOD:

12 Q. Was this more preparation for the transaction?

13 A. Yes.

14 MR. UNDERWOOD: Track 7.

15 (Whereupon, audio is played.)

16 BY MR. UNDERWOOD:

17 Q. Mr. Sekula, where was this transaction supposed to
18 take place?

19 A. The Sunoco on College Park Road.

20 Q. Are there any other businesses at that Sunoco?

21 A. At the actual Sunoco, there's a McDonald to the
22 right and BP to the left.

23 MR. UNDERWOOD: Permission to fast-forward, Your
24 Honor.

25 (Whereupon, audio is played.)

1 BY MR. UNDERWOOD:

2 Q. Mr. Sekula, what were you doing during this portion
3 of the recording?

4 A. Waiting.

5 Q. Who were you waiting for?

6 A. G.

7 (Whereupon, audio is played.)

8 BY MR. UNDERWOOD:

9 Q. Mr. Sekula, did you recognize the vehicle that you
10 got into in that transaction?

11 A. Yeah. That was Mo's vehicle.

12 Q. Who was driving the vehicle?

13 A. Mo was.

14 Q. Was there anyone else in the vehicle?

15 A. No.

16 Q. Earlier you mentioned you were waiting for G. Were
17 you waiting for G and Mo showed up, or what happened?

18 A. That doesn't seem like that's the right video for
19 the phone calls, because the phone calls, when I met G, he
20 came in the burgundy Mercedes and I met him at the Sunoco in
21 the bathroom.

22 Q. I was asking about a different date.

23 A. Okay.

24 Q. Did you do transactions at that same Sunoco station
25 with G and Mo?

1 A. Yes. He's picked me up at the McDonald's. I met
2 them at the McDonald's several times. That was a very
3 common thing.

4 Q. Right. I didn't give you the videos for the other
5 transaction.

6 A. All right.

7 Q. The video we just saw, whose car was that?

8 A. That was Mo's Beamer.

9 Q. And by "Beamer", you mean BMW?

10 A. BMW, yes.

11 Q. You mentioned a debt. What was that about?

12 A. Someone had given me a gun, or I bought a gun from
13 somebody that Mo was interested in taking or trading with me
14 for. And it turned out that even though the revolver kicked
15 out and everything, it was no more than an air pistol.

16 Q. So did you owe him money because of that?

17 A. Yeah, I had to pay him for the gun.

18 Q. What color was the BMW that you got into?

19 A. It was charcoal gray.

20 Q. Whose car was that?

21 A. It was Mo's.

22 Q. Towards the end, when you got into the undercover
23 vehicle again, you said something about a nice knock. What
24 does that mean?

25 A. It was a large bag of heroin.

1 Q. I want to skip now to October 19th, 2015. Did you
2 have the opportunity to do a controlled purchase from the
3 individual you knew as Keith?

4 A. Yes.

5 Q. And was a phone call used to set up that purchase?

6 A. Yes.

7 MR. UNDERWOOD: Your Honor, I request permission to
8 publish State's Exhibit 21.

9 THE COURT: You may proceed.

10 (Whereupon, the following bench conference takes
11 place.):

12 MR. GRIFFITH: I keep objecting, but he keeps
13 saying, hey, did you sell drugs on this day? Yeah. Did you
14 do this and that on this day, or did this happen? Yeah.
15 And he answered yes or no.

16 THE COURT: You just need to object.

17 MR. GRIFFITH: He's testifying.

18 THE COURT: If you didn't object, I can't do
19 anything.

20 MR. GRIFFITH: I just hate to keep jumping up and
21 down.

22 THE COURT: I told you to expect it.

23 (Whereupon bench conference ends.)

24 THE COURT: Objection is sustained. Leading.
25 Rephrase.

1 MR. UNDERWOOD: Your Honor, may I publish the
2 exhibit?

3 THE WITNESS: Yes, sir.

4 (Whereupon, audio is played.)

5 BY MR. UNDERWOOD:

6 Q. Whose voices were in that recording?

7 A. Mine and Keith.

8 Q. You mentioned something called a rack. What is
9 that?

10 A. \$1,000.

11 Q. How much heroin can you get for \$1,000?

12 A. In that situation, half ounce, 14 grams.

13 Q. Which phone did you call to reach Keith?

14 A. The Boys's number.

15 Q. I am not going to play the recording of the
16 transaction. Can you briefly tell the jury what happened?

17 A. I was driven from the location to College Park Road
18 down Gleason off of College Park, and dropped off around the
19 bend. Walked down to Arno and proceeded to meet Keith.
20 Gave him the money in a cigarette pack. He counted the
21 money, told me it was correct. And then gave me the heroin.
22 And then I walked back and got the car with Detective Allen.
23 And gave him the dope and drove back to the location we met
24 at and was searched again.

25 Q. How much heroin did you purchase at that time?

1 A. 14 grams, a half ounce.

2 Q. Moving now to October 28th, 2015. What did you do
3 on that date?

4 A. I made another buy.

5 Q. Was that set up using a phone call as well?

6 A. Yeah. They were always set up with phone call or
7 tabs.

8 MR. UNDERWOOD: Your Honor, permission to publish
9 State's Exhibit 24.

10 THE COURT: Proceed.

11 (Whereupon, audio is played.)

12 BY MR. UNDERWOOD:

13 Q. Whose voice is on that recording?

14 A. That is Mo.

15 MR. UNDERWOOD: Permission to publish State's
16 Exhibit 25, Your Honor.

17 THE COURT: Proceed.

18 (Whereupon, audio is played.)

19 BY MR. UNDERWOOD:

20 Q. Mr. Sekula, did you have multiple devices on you
21 that were making recordings?

22 A. Yes.

23 Q. Is this recording of the same from the previous
24 exhibit?

25 A. Same conversation, yes.

1 MR. UNDERWOOD: Permission to publish Exhibit 26,
2 Your Honor.

3 THE COURT: You may proceed.

4 MR. UNDERWOOD: Correction, Your Honor, State's
5 Exhibit 27.

6 THE COURT: Proceed.

7 MR. UNDERWOOD: Beginning of track 3.

8 (Whereupon, audio is played.)

9 MR. UNDERWOOD: Track 4.

10 (Whereupon, audio is played.).

11 MR. UNDERWOOD: Permission to fast-forward, Your
12 Honor.

13 (Whereupon, audio is played.)

14 BY MR. UNDERWOOD:

15 Q. Mr. Sekula, was there a significant wait period
16 during this particular transaction?

17 A. Yes, there were oftentimes.

18 Q. Track 5.

19 (Whereupon, audio is played.)

20 MR. UNDERWOOD: Playing track 6.

21 (Whereupon, audio is played.)

22 BY MR. UNDERWOOD:

23 Q. Mr. Sekula, at this point, was there a problem with
24 the video?

25 MS. JOHNS: Your Honor, I object. Leading.

1 THE COURT: Sustained. Leading. Rephrase.

2 BY MR. UNDERWOOD:

3 Q. Mr. Sekula, what technology problems did you have,
4 if any, during this transaction?

5 A. The video ceased to work. The audio continued to
6 work, but the video did not pick up.

7 Q. Did you have -- again, did you have multiple
8 recording devices?

9 A. I did.

10 Q. Mr. Sekula, what happened in that portion where the
11 video cut out but the audio continued?

12 A. We continued to wait for Mo. I walked over to
13 where he was supposed to be. Didn't see him. I started to
14 walk back. Didn't see him. Got back into the car. You can
15 hear me counting the money out. Counted the money out, gave
16 it to him. He gave me the dope. Talked a little bit more.
17 You can hear the seatbelt thing chiming for me not putting
18 my seatbelt on. And got out and went back to Detective
19 Allen's car. And gave him the dope. And that's the end of
20 the recording.

21 Q. What kind of dope was it?

22 A. It was heroin, one big half ounce chunk.

23 Q. Who did you get the heroin from?

24 A. From Mo.

25 Q. What's Mo's real name?

1 A. Justin Hunter.

2 Q. What vehicle did you get into?

3 A. His BMW.

4 Q. Moving on now, what did you do on January 4th,
5 2016, in relation to this case?

6 A. I conducted another buy.

7 MR. UNDERWOOD: Permission to publish State's
8 Exhibit 28.

9 THE COURT: Yes, sir.

10 MR. UNDERWOOD: Track 1.

11 (Whereupon, audio is played.)

12 MR. UNDERWOOD: Track 2. Permission to
13 fast-foward, Your Honor.

14 THE COURT: Yes, sir.

15 (Whereupon, audio is played.)

16 BY MR. UNDERWOOD:

17 Q. Mr. Sekula, other than yourself, who else was in
18 that recording?

19 A. In the car or in the trailer?

20 Q. Both?

21 A. In the trailer, Q; in the car, Detective Allen.

22 Q. What happened in the trailer?

23 A. I purchased just an eight-ball of heroin.

24 Q. From who?

25 A. Q.

1 Q. How much money did you give him for it?

2 A. 300.

3 Q. What did you do with the heroin?

4 A. I gave it to Detective Allen.

5 Q. As relates to this case, what did you do on January
6 14th, 2016?

7 A. I made another buy.

8 MR. UNDERWOOD: Permission to publish State's
9 Exhibit 29.

10 THE COURT: Yes, sir.

11 MR. UNDERWOOD: Track 2.

12 (Whereupon, audio is played.)

13 BY MR. UNDERWOOD:

14 Q. Mr. Sekula, I apologize. I forgot to ask you one
15 question about the last recording that we watched. Where
16 did that take place?

17 A. Summer Creek Trailer Park up on College Park
18 Road.

19 Q. As to the recording we are watching now, is this
20 another one where there's a significant wait time?

21 A. Yeah. I was standing out front of Walmart waiting
22 on Mo.

23 Q. What was the arrangement?

24 A. To meet him at the Summerville Walmart.

25 MR. UNDERWOOD: Permission to fast-foward, Your

1 Honor.

2 THE COURT: Yes, sir.

3 (Whereupon, audio is played.)

4 MR. UNDERWOOD: Track 3.

5 (Whereupon, audio is played.)

6 BY MR. UNDERWOOD:

7 Q. Mr. Sekula, whose vehicle did you get into?

8 A. Mo's.

9 Q. Who else was in the vehicle?

10 A. His dog, Blaze.

11 Q. Who was driving?

12 A. Mo.

13 Q. What happened in the vehicle?

14 A. I gave him the money for the heroin.

15 Q. How much money?

16 A. Should have been \$1,000 for half ounce again.

17 Q. What did you get in return?

18 A. He gave me that heroin that I gave Detective Allen.

19 Q. Where did that take place?

20 A. Summerville Walmart parking lot.

21 Q. When you got into the vehicle, did you stay in

22 place or did you go somewhere else?

23 A. We drove through the parking lot up to the stop
24 sign where it comes out closer to, like, by Hardee's in the
25 back of the parking lot. That's where I got out of the car.

1 Q. Mr. Sekula, are you sure about the amount that you
2 paid and received?

3 A. No. It's just typical for -- any time I dealt with
4 Mo, it was 14 or better, unless he had The Boys's phone. I
5 was just assuming that. The phone call or the beginning of
6 the video, Danny would have counted out the money. If you
7 told me how much money I spent, I could tell you what I
8 got.

9 Q. Tell me this. Was there ever an occasion where you
10 did one of the controlled purchase where you were
11 unsuccessful in getting heroin?

12 A. There were times we called and weren't able to get
13 ahold of anybody, yes.

14 Q. Were there times you actually met with someone and
15 weren't able to get heroin?

16 A. Yeah. There was a time when I bought ice from
17 somebody instead, from Cici.

18 Q. Was there ever a time that you met with someone and
19 couldn't get drugs of any kind?

20 A. I don't recall. I can't remember a specific time,
21 but it could have happened.

22 Q. You just mentioned one occasion with a different
23 drug. What drug was that?

24 A. Meth, ice.

25 Q. How did that operation take place?

1 A. I believe that they contacted me saying that she
2 had it. And it was a spur-of-the-moment thing. I let Danny
3 know. And he decided he was going to do it.

4 Q. Let's clarify. Who is "they"?

5 A. As in they are going to do it or they had it?

6 Q. You said they contacted you. Who is "they"?

7 A. The Boys. The Boys's number contacted me, or Mo
8 may have contacted me from The Boys's number, or one of the
9 numbers from the individuals involved in the group that I
10 got the heroin from let me know that they had some ice at
11 the time.

12 Q. Was it normal for you to buy ice?

13 A. It was something that happened on occasion, yes.

14 Q. After you were notified about ice, what did you do?

15 A. I let Danny and the detectives I was working for
16 know that it was something that was mentioned, because they
17 were trying to do a buy on heroin. And I don't think I was
18 able to get any at the time.

19 Q. Did you participate in a transaction as a result of
20 that?

21 A. Yes.

22 Q. Who set the deal up with you?

23 A. Set the deal up to the deal?

24 Q. Yes.

25 A. Mo did.

1 Q. How?

2 A. Through his number, contacted and told me that Cici
3 would meet me at a certain place in the shop center off of
4 Main Street near Target and Kohl's.

5 Q. Is that in Summerville?

6 A. Yes.

7 Q. How did he contact you with the phone?

8 A. Text message.

9 Q. Did you go to that location?

10 A. I did.

11 Q. Was that under the supervision of law enforcement?

12 A. Yes.

13 Q. What happened when you got there?

14 A. I waited on the side of the building at the picnic
15 table by Kohl's for some time until I received -- I can't
16 remember if it was a phone call or text from Mo with
17 direction to sit on the bench in front of Kohl's, kind of by
18 the PetSmart side, in which I would meet Cici there.

19 Q. Is that the same Cici that we saw in the video
20 earlier?

21 A. Yes.

22 Q. What happened when she met you there?

23 A. I talked to her about her broken cell phone. Gave
24 her some money and got, I believe it was a half gram of ice.
25 It may have been a gram. I don't remember the specifics.

1 I'm pretty sure it was a half gram, though.

2 Q. By "ice", is that methamphetamine?

3 A. Crystal meth, yeah.

4 Q. What did you do with the meth after you got it?

5 A. I gave it to Detective Allen, as all the drugs.

6 Q. In relation to this case, what did you do on

7 January 19th? Do you remember the date of that

8 methamphetamine transaction?

9 A. It was either late January or early February.

10 Q. Could it have been February 3rd?

11 MS. JOHNS: Objection, Your Honor.

12 THE COURT: Basis?

13 MS. JOHNS: He's leading the witness.

14 THE COURT: Sustained. Leading. Rephrase.

15 BY MR. UNDERWOOD:

16 Q. Do you remember the exact day?

17 A. No, I don't. I know it was early February, late
18 January. The specific day, I don't remember the exact day
19 other than ...

20 Q. In regard to this case, what did you do on January
21 19th, 2016?

22 A. I did another buy, controlled buy for Dorchester
23 County and SLED.

24 MR. UNDERWOOD: Your Honor, permission to publish
25 State's Exhibit 30.

1 THE COURT: Proceed.

2 MR. UNDERWOOD: Playing track 2.

3 (Whereupon, audio is played.)

4 MR. UNDERWOOD: Permission to fast-foward, Your
5 Honor.

6 (Whereupon, audio is played.)

7 BY MR. UNDERWOOD:

8 Q. Mr. Sekula, where did that transaction take place?

9 A. Summer Creek Trailer Park.

10 Q. Do you remember which trailer?

11 A. I don't know the address, but, I mean, I could
12 point it out.

13 Q. Who typically stays at that trailer?

14 A. Q.

15 Q. Who was present during this transaction?

16 A. Will.

17 Q. Was Q there?

18 A. Not that I'm aware of, no.

19 Q. Who did you arrange for that transaction to take
20 place with?

21 A. I had spoke to Q earlier that day.

22 Q. What happened between you and Will in the trailer?

23 A. I bought an eight-ball of heroin from him.

24 Q. Was there anything significant about the way it was
25 packaged?

1 A. It wasn't all in one baggie. It was probably
2 pre-packaged into grams and halves. And he gave me the
3 equivalent through that packagings so he didn't have to
4 weigh anything out. It was already pre-made.

5 Q. Was that the normal way it was packaged?

6 A. It came that way from time to time, not all the
7 time. Just depended if they had sold all the balls already
8 made and just had halves and grams off of it.

9 Q. In the video, on the left side, you could see
10 cages. Were there animals in those cages?

11 A. Yes, there were.

12 Q. What kind?

13 A. Dogs, pit bulls.

14 Q. Do you remember how many?

15 A. Not exactly. There were more than a couple.

16 Q. Do you know who owned the dogs?

17 A. As far as I knew, they were Q's. They were in the
18 house. You know, they were in the house on Margaret. Prior
19 to that, they were there, and then they got moved to Summer
20 Creek.

21 Q. Did anyone else in that group own pit bulls?

22 A. Mo had a pit pull, an older dog, full grown.

23 Q. Did anyone else?

24 A. I am not 100 percent sure on that. I have no idea.
25 Those are the only two that I had ever seen.

1 Q. The heroin that you purchased from Will, what did
2 you do with it?

3 A. I gave it to Detective Allen. Well, I put it all
4 in one cellophane, first of all, not to lose the individual
5 bags. And then gave it to Detective Allen in the car.

6 Q. Where was Detective Allen in relation to the
7 trailer?

8 A. If you were to come out of the trailer and take a
9 left, across the street there was some storage units right
10 there. He wasn't 25, 30 yards away across the street.

11 Q. Moving on to February 2nd, 2016, what did you do
12 that day?

13 A. Another controlled buy.

14 MR. UNDERWOOD: Your Honor, request permission to
15 publish Exhibit 31.

16 THE COURT: Proceed.

17 MR. UNDERWOOD: Playing track 2.

18 (Whereupon, audio is played.)

19 MR. UNDERWOOD: Permission to fast-forward, Your
20 Honor.

21 (Whereupon, audio is played.)

22 BY MR. UNDERWOOD:

23 Q. Mr. Sekula, where did that transaction take place?

24 A. Summer Creek Trailer Park.

25 Q. Was it the same trailer we discussed before?

1 A. Yes.

2 Q. Who did you interact with in the trailer?

3 A. Q.

4 Q. What happened?

5 A. He was on the phone discussing his affairs with
6 somebody. And he weighed it out and didn't put it in a bag.
7 So I had to put it in a bag and tie the bag up. And then I
8 left and gave it to Detective Allen.

9 Q. Gave what to Detective Allen?

10 A. The heroin.

11 Q. Mr. Sekula, what did you do in regards to this
12 investigation on February 23rd, 2016?

13 A. I would have been making another controlled buy.

14 MR. UNDERWOOD: Your Honor, permission to publish
15 State's Exhibit 33.

16 THE COURT: Proceed.

17 MR. GRIFFITH: May it please the Court, Your
18 Honor --

19 THE COURT: Madam Forelady, ladies and gentlemen,
20 we are going to take a brief restroom break. During the
21 break, please do not discuss the case and please leave your
22 notepads in your seats.

23 (Whereupon, the jury leaves open court at 4:18
24 p.m.)

25 THE COURT: We will be at ease for a few moments.

1 Sir, you can walk around. Just don't discuss your testimony
2 with anyone.

3 (Whereupon, a recess transpired.)

4 THE COURT: State ready to proceed?

5 MR. UNDERWOOD: Your Honor, may I approach briefly
6 on a scheduling matter?

7 THE COURT: Sure.

8 (Whereupon, a bench conference takes place off the
9 record.)

10 THE COURT: The State ready to proceed?

11 MR. UNDERWOOD: Yes, Your Honor.

12 THE COURT: Defense ready to proceed?

13 MR. GRIFFITH: Yes, Your Honor.

14 MS. JOHNS: Yes, Your Honor.

15 THE COURT: Please bring in the jury.

16 (Whereupon, the jury returns to open court at 4:34
17 p.m.)

18 THE COURT: Proceed.

19 MR. UNDERWOOD: Thank you, Your Honor.

20 THE COURT: You're welcome.

21 BY MR. UNDERWOOD:

22 Q. Mr. Sekula, I apologize. Just before we took the
23 break, I think I misread my notes about what I wanted to ask
24 you about.

25 Did you do anything concerning this investigation

1 between September 22nd of 2015 and September 23rd?

2 A. Excuse me?

3 Q. Between September 22nd, 2015, and the following
4 day, September 23rd, 2015, did you do anything concerning
5 this investigation?

6 A. I believe so, yes.

7 MR. UNDERWOOD: Again, Your Honor, request
8 permission to publish State's Exhibit 33.

9 THE COURT: Proceed.

10 MR. UNDERWOOD: Beginning with track 4.

11 (Whereupon, audio is played.)

12 MR. UNDERWOOD: Now track 5.

13 (Whereupon, audio is played.)

14 MR. UNDERWOOD: Permission to fast-forward, Your
15 Honor.

16 THE COURT: Yes, sir.

17 (Whereupon, audio is played.)

18 BY MR. UNDERWOOD:.

19 Q. Mr. Sekula, what happened during this transaction?

20 A. I was given \$700 to get 7 grams. I was able to get
21 it for \$600 instead. If you continue to listen, you will
22 see in the car where I give the money to Detective Allen,
23 but I bought a quarter ounce of heroin from Q.

24 Q. Was anyone else present?

25 A. Will.

1 Q. Where did this take place?

2 A. In Fairlawn on Margaret.

3 Q. Mr. Sekula, throughout your time dealing with these
4 individuals, how much time did you purchase from them in
5 total?

6 A. Between working for the law enforcement and
7 personal?

8 Q. Yes.

9 A. Anywhere from 2- to 300 grams total, I mean, at
10 least.

11 Q. Do you have any idea how much money you paid to
12 this organization for heroin?

13 A. Between all of the individuals?

14 Q. Yes.

15 A. I have no idea. I know I spent an astronomical
16 amount. I probably could have bought everyone in here a
17 house.

18 Q. The individual that you dealt with known as Mo, you
19 identified at Justin Hunter, is he in the courtroom here
20 today?

21 A. No.

22 MR. UNDERWOOD: May I approach the witness, Your
23 Honor?

24 THE COURT: You may.

25 BY MR. UNDERWOOD:

1 Q. I'm handing you a passport that's been entered as
2 State's Exhibit 42. Do you recognize the individual in that
3 passport?

4 A. Yeah. That's the individual I know as Mo.

5 MR. UNDERWOOD: May I approach?

6 (Whereupon, a bench conference takes place off the
7 record.)

8 THE COURT: Sir, if you will step down. I remind
9 you are still under oath. The State may proceed. You need
10 to stay in the courtroom, please.

11 MR. UNDERWOOD: Your Honor, the State calls
12 Lawrence Zivkovich.

13 LAWRENCE ZIVKOVICH,
14 having been duly sworn, testifies as follows:

15 THE CLERK: If you can spell your name for the
16 court reporter.

17 THE COURT: Sir, state your name for the record and
18 spell your last name for the record.

19 THE WITNESS: Lawrence, Z-i-v-k-o-v-i-c-h.

20 THE COURT: Thank you. You may proceed.

21 DIRECT EXAMINATION

22 BY MR. UNDERWOOD:

23 Q. Good afternoon, Mr. Zivkovich. Will you please
24 tell the jury where you are employed and what you do for a
25 living.

1 A. I work with the South Carolina Law Enforcement
2 Division, commonly known as SLED. And I'm employed as a
3 forensic scientist whose specialty is dealing with
4 controlled substances.

5 Q. And as an analyst, what exactly is it that you do?

6 A. We analyze substances that are submitted by outside
7 agencies to find out whether they do or do not contain
8 controlled substances.

9 Q. What kind of specialized training do you have in
10 that field?

11 A. I received a bachelor's of science degree in
12 chemistry from the University of South Carolina. And then
13 when I was employed by SLED, I went through their forensic
14 chemist program, training program. And I've also received
15 classes through DEA and also the University of West
16 Virginia.

17 Q. Have you had the opportunity to testify in court
18 before?

19 A. Yes, sir.

20 Q. And during that testimony, were you qualified as an
21 expert?

22 A. I was.

23 Q. In what field?

24 A. In forensic chemistry.

25 Q. How many times have you testified as an expert in

1 chemist chemistry?

2 A. 39.

3 MR. UNDERWOOD: The State offers Mr. Zivkovich as
4 an expert in forensic chemistry.

5 THE COURT: Any objection or question?

6 MR. GRIFFITH: I have no objection. I will accept
7 him --

8 THE COURT: I'm sorry. I can't hear you.

9 MR. GRIFFITH: No objection and I will accept him
10 as an expert in chemistry.

11 MS. JOHNS: No objection and no exception.

12 THE COURT: Thank you. So admitted without
13 objection. You may proceed.

14 MR. UNDERWOOD: May I approach the witness, Your
15 Honor.

16 THE COURT: Yes, sir.

17 BY MR. UNDERWOOD:

18 Q. Mr. Zivkovich, did you have an opportunity to
19 conduct analysis on evidence that was seized during this
20 case?

21 A. I have.

22 Q. And could you explain to the jury -- and as you are
23 preparing to do that, I'm going to hand you State's Exhibit
24 98 through 105 -- could you explain to the jury what
25 safeguards are made in order to ensure that the proper

1 substances are tested and not contaminated?

2 A. Yes, sir. So outside agencies will take their
3 evidence, and depending on the size, they will either put it
4 in a box or they will place it inside a package that we give
5 to outside agencies to submit drug evidence. Once that
6 evidence has been sealed, then they bring it into the SLED
7 laboratory and take it to the check-in area where it's
8 assigned a unique SLED lab number for that one particular
9 piece of evidence. And then they determine who gets to have
10 assignments for that piece of evidence.

11 Once that's been determined, then it's put inside a
12 vault down in the evidence intake area. And whoever has an
13 assignment has been notified. That person then comes and
14 picks up the evidence and takes it to their work area and
15 keeps it either in their custody or inside their own
16 personal vault until they are finished with the evidence, at
17 which time they reseal it, take back to evidence intake by
18 the outside agency.

19 Q. And is there a way that SLED tracks, once the
20 evidence arrives at SLED, who handles that evidence and
21 where it goes?

22 A. Yes, sir. It's all tracked electronically by what
23 we say is an electronic chain of custody. Every time it
24 transfers from one person to another person, it's entered
25 into the electronic chain.

1 Q. If you could, while referring to the exhibits in
2 front of, do those exhibits identify particular lab
3 numbers?

4 A. Yes, sir.

5 Q. And those exhibits, if you could just identify the
6 exhibit number and the lab number associated with each.

7 A. We have Exhibit No. 98, and that is Lab L15-12523;
8 Exhibit No. 99, which is L15-12520; Exhibit 100, which is
9 Lab No. L16-00406; Exhibit 101, with a Lab No. L15-12924;
10 Exhibit 102 with Lab No. 15 -- I apologize, Lab No.
11 L15-13382; and Exhibit No. 103 with Lab No. L15-14458;
12 Exhibit 104 with Lab No. L15-16511; and Exhibit No. 105 with
13 Lab No. L15-12524.

14 Q. Are those documents kept in the regular course of
15 business at the SLED lab?

16 A. They are.

17 MR. UNDERWOOD: Your Honor, at this time, I would
18 seek to admit Exhibits 98 through 105.

19 THE COURT: Any objection?

20 MR. GRIFFITH: No objection, Your Honor.

21 MS. JOHNS: No, Your Honor.

22 THE COURT: Marked and admitted without objection.
23 You may proceed.

24 (State's Exh. 98, Analysis L15-12523, is received
25 in evidence.)

1 (State's Exh. 99, Analysis L15-12550, is received
2 in evidence.)

3 (State's Exh. 100, Analysis L15-406, is received
4 in evidence.)

5 (State's Exh. 101, Analysis L15-12924, is
6 received in evidence.)

7 (State's Exh. 102, Analysis L15-13382, is
8 received in evidence.)

9 (State's Exh. 103, Analysis L15-14458, is
10 received in evidence.)

11 (State's Exh. 104, Analysis L15-16511, is
12 received in evidence.)

13 (State's Exh. 105, Analysis L15-12524, is
14 received in evidence.)

15 BY MR. UNDERWOOD:

16 Q. I now want to show you for right now State's
17 Exhibits 44, 46 and 47. Could you take a moment to examine
18 each of those items?

19 A. Yes, sir.

20 Q. Did you have an opportunity in your profession to
21 examine the items in that package?

22 A. I did.

23 Q. Beginning with Exhibit No. 44, could you explain to
24 the jury what you did to analyze the substances in that
25 package?

1 A. The outside package is what we call a K pack. This
2 is what I seal the evidence in after I was finished
3 analyzing it. And I can see that it hasn't been tampered
4 with, because all the seals are still intact. And the date
5 underneath the seal has the date that I sealed it with my
6 initials on it. And inside the bag is one of the packages
7 that we submit, give to outside agencies to submit drug
8 evidence in.

9 And on that package for Exhibit No. 44, it has Lab
10 No. L15-12524. And it has the date that I check to make
11 sure that all the seals were intact with my initials. And
12 what we do we check it has tamper evident sealant on it,
13 which is a design around the outside with an adhesive seal
14 on the top. And what happens is, the design will be broken
15 or the adhesive seal will be broken if somebody tampered
16 with the evidence after it's been sealed. And I verified on
17 January 28th, 2016, that the seal was intact.

18 Q. And what would you have done if the seal was not
19 intact?

20 A. If the seal was not intact, then we have to report
21 that to our supervisor. And then they decide how to proceed
22 as far as contacting the agency and deciding how to dispose
23 of the evidence.

24 Q. Was the seal intact in that particular specimen?

25 A. It was.

1 Q. What did you do to analyze it?

2 A. Once I've determined that the seal has been intact,
3 then I open the evidence and compare it to the inventory on
4 the submission form. And if everything matches up, then I
5 proceed with a preliminary test on the evidence, which I
6 would have to look at my case notes to see which preliminary
7 tests I performed. And then we perform a final analysis on
8 it to determine exactly what the contents do or don't
9 contain. After that has been determined, then we seal the
10 case back up. I issue a report and take the case back down
11 to the evidence log-in for pick up by the outside agency.

12 Q. Were you able to successfully test that substance
13 or substances in that package?

14 A. I did.

15 Q. And what were the results or conclusions that you
16 were able to draw?

17 A. For SLED No. L15-12524, I found it contained heroin
18 with a weight of 3.41 grams.

19 Q. And moving on to your next item, which I believe is
20 Exhibit 46.

21 A. Yes, sir.

22 Q. Were you able to test that using the same
23 procedures you just described?

24 THE COURT: I need you to correct that number,
25 please. Not his number, but our number. Because you said

1 No. 48 and you just marked 98 through 105. I don't want the
2 court reporter to be confused.

3 MR. UNDERWOOD: I apologize, Your Honor. That was
4 for the tracking sheets. This is the Exhibit 46, the BEST
5 kit itself.

6 THE COURT: I understand that, but the court
7 reporter doesn't. You need to make sure. You referred to
8 both corresponding numbers. So that it can be straight so
9 the court reporter for the record can be clear.

10 BY MR. UNDERWOOD:

11 Q. If you would, the last exhibit you were referring
12 to, State's Exhibit 44, was that Lab No. L15-12524?

13 A. Yes, sir.

14 Q. That was State's Exhibit 44 that we previously
15 discussed?

16 A. Correct.

17 Q. And the results were the 3.41 grams of heroin?

18 A. Yes, sir, 3.41 grams.

19 Q. Okay. Now, if I could draw your attention to
20 State's Exhibit No. 46, what is your lab number for State's
21 Exhibit 46?

22 A. State's Exhibit 46 has a SLED lab number of
23 L15-12523.

24 Q. Were you able to test the substances in that
25 exhibit?

1 A. Yes, sir.

2 Q. What were the conclusions you were able to reach as
3 a result of those tests?

4 A. I found L15-12523 to contain two plastic bags with
5 each containing heroin with a total weight of 1.45 grams.

6 Q. And moving on now to State's Exhibit No. 47, what
7 is your corresponding lab number for State's Exhibit 47?

8 A. Exhibit 47 has a lab number of L15-12520.

9 Q. And what were you able to do with that particular
10 exhibit?

11 A. I found this to contain heroin and methamphetamine
12 with a weight of 1.28 grams.

13 Q. I now hand you State's Exhibit 112. Do you
14 recognize that?

15 A. Yes, sir.

16 Q. What is that?

17 A. It's SLED Lab No. 15-14458.

18 Q. And were you able to test the items in that
19 package?

20 A. I was. I found it to contain heroin with a weight
21 of 14.03 grams.

22 Q. Now, moving on to State's Exhibit 113, do you
23 recognize this exhibit?

24 A. I do. It's SLED Lab No. L15-13382.

25 Q. Were you able to conduct tests on the items in that

1 package?

2 A. Yes, sir.

3 Q. What were the results of those tests?

4 A. Lab No. L15-13382 was found to contain heroin with
5 a weight of 13.96 grams.

6 Q. And does that correspond to State's Exhibit No.
7 113?

8 A. It does.

9 Q. Now, handing you State's Exhibit 114, will you
10 examine that, please? And do you recognize it?

11 A. Yes, sir, this is SLED Case No. L15-16511.

12 Q. Were you able to conduct tests on the items in that
13 BEST kit?

14 A. Yes, sir.

15 Q. What were the results of those tests?

16 A. L15-16511 was found to contain heroin with a weight
17 of 3.30 grams.

18 Q. And, again, that corresponds to State's Exhibit
19 114; is that correct?

20 A. That's correct.

21 Q. Now, handing you State's Exhibit 115, would you
22 examine that, please?

23 A. Yes, sir. This is the case that I worked with SLED
24 Lab No. L16-00406.

25 Q. What were the results of your tests concerning the

1 items in State's Exhibit 115?

2 A. Exhibit 115, which was Lab No. L16-00406, was found
3 to contain four plastic bags, all containing heroin with a
4 total weight of 3.38 grams.

5 MR. UNDERWOOD: Court's indulgence, Your Honor.

6 THE COURT: Yes, sir.

7 BY MR. UNDERWOOD:

8 Q. Now handing you State's Exhibit 117. Would you
9 examine that for me, please?

10 A. Yes, sir. This is a SLED lab case that I worked
11 with a number L15-12924.

12 Q. Were you able to conduct your test on the items in
13 that package?

14 A. Yes, sir.

15 Q. What were the results of your testing?

16 A. I found it to contain seven plastic bags, each
17 containing heroin with a total weight of 7.10 grams.

18 Q. Thank you, sir. Now handing you State's Exhibit
19 110, 118, 106, 107, 108, 109, 111 and 115. Could you please
20 examine those documents for me.

21 A. Yes, sir. These are all reports, SLED reports I
22 issued on evidence that I worked while employed at SLED.

23 Q. Do each of these reports correspond to the items we
24 just discussed your working on? And if you could identify
25 the exhibit number to the lab number.

1 A. So Exhibit 115, which is L16-00406, corresponds to
2 report which is Exhibit 115.

3 State's Exhibit 114 is Lab No. L15-16511, and that
4 corresponds to SLED report which is State's Exhibit 111.

5 State's Exhibit 113 is Lab No. L15-13382, and that
6 corresponds to SLED lab report with Exhibit 109.

7 State's Exhibit 47, which is Lab No. L15-12520, and
8 that corresponds to the SLED lab report which is Exhibit
9 108.

10 Exhibit 46, which is Lab No. L15-12523, that
11 corresponds to SLED lab report which is State's Exhibit 107.

12 State's Exhibit 44, which is L15-12524, corresponds
13 to SLED lab report which is State's Exhibit 106.

14 State's Exhibit 117 is Lab No. L15-12924, and that
15 corresponds to SLED lab report which is State's Exhibit 118.

16 And State's Exhibit 112 is L15-14458, and that
17 corresponds to the SLED lab report which is Exhibit 110.

18 MR. UNDERWOOD: Thank you, Your Honor. At this
19 time, the State offers into evidence Exhibits 112, 117, 44,
20 46, 47, 113, 115, 114, 110, 118, 106, 107, 108, 109, 116 and
21 111.

22 THE COURT: Any objection?

23 MR. GRIFFITH: No objection, Your Honor.

24 THE COURT: Any objection, Ms. Johns?

25 MS. JOHNS: No, Your Honor.

1 THE COURT: 43 through 48 have already been marked
2 and admitted. So the remaining exhibits will be marked and
3 admitted without objection.

4 (State's Exh. 106, Drug Analysis L15-12524, was
5 marked in evidence.)

6 (State's Exh. 107, Drug Analysis L15-12523, was
7 marked in evidence.)

8 (State's Exh. 108, Drug Analysis L15-12520, was
9 marked in evidence.)

10 (State's Exh. 109, Drug Analysis L15-13382, was
11 marked in evidence.)

12 (State's Exh. 110, Drug Analysis L15-14458, was
13 marked in evidence.)

14 (State's Exh. 111, Drug Analysis L15-16511, was
15 marked in evidence.)

16 (State's Exh. 112, Drug labeled L15-14458 was
17 marked in evidence.)

18 (State's Exh. 113, Drug labeled L15-13382, was
19 marked in evidence.)

20 (State's Exh. 114, Drug labeled L15-16511, was
21 marked in evidence.)

22 (State's Exh. 115, Drug labeled L16-406, was
23 marked in evidence.)

24 (State's Exh. 116, Drug labeled L16-00406, was
25 marked in evidence.)

1 (State's Exh. 117, Drug labeled L15-12924 was
2 marked in evidence.)

3 (State's Exh. 118, Drug Analysis L15-12924, was
4 marked in evidence.)

5 BY MR. UNDERWOOD:

6 Q. Did you perform any other work on this case?

7 A. Not to my knowledge.

8 MR. UNDERWOOD: No further questions.

9 THE COURT: Any questions, Mr. Griffith?

10 CROSS-EXAMINATION

11 BY MR. GRIFFITH:

12 Q. Mr. Zivkovich, you would be unaware as to which
13 particular buys these were connected to and which -- whether
14 these were collected -- who they were collected from, et
15 cetera? You would not know that, correct?

16 A. That's correct.

17 MR. GRIFFITH: That's the only question I had.

18 THE COURT: Ms. Johns?

19 MS. JOHNS: No questions.

20 THE COURT: Any objection to the witness being
21 excused, from the State?

22 MR. UNDERWOOD: None, Your Honor.

23 THE COURT: From the defense, Mr. Griffith?

24 MR. GRIFFITH: No, Your Honor.

25 THE COURT: Ms. Johns?

1 MS. JOHNS: No, Your Honor.

2 THE COURT: Could counsel approach for me, please.

3 (Whereupon, a bench conference takes place off the
4 record.)

5 THE COURT: Madam Forelady, ladies and gentlemen,
6 we are going to take advantage of this break in testimony to
7 take our evening recess. We anticipate that the remaining
8 examination of one of the witnesses is going to take another
9 two hours, so I am not going to keep y'all here that late.

10 In addition to that, I'm sure you noticed it went
11 from being very cold to very hot. We've had challenges with
12 our air conditioning equipment and the gentlemen can't get
13 to work on it while we are in here. So the sooner we leave,
14 the sooner they can fix it, the sooner we can be cool. So
15 I'm all for being cool. I don't know about y'all, but it's
16 hot. So we are going to break for the evening.

17 We will resume in the morning at 9:30. I don't
18 anticipate us having any delays in starting, as we've
19 resolved many of the matters of law that we were grappling
20 with today.

21 During the break, please do not discuss the case in
22 any manner whatsoever. Please do not read, watch or look up
23 anything on the Internet or anything that might be in the
24 newspapers or radio.

25 You are bound by your oath to decide this case

1 according to the sworn testimony you hear and the other
2 exhibits. Please don't have any contact with anyone in or
3 about the courthouse and when you return. Please do not
4 make any comments regarding your status on any social
5 networking sites. Have a great day. If y'all stack them up
6 for me, he will collect them during recess. And I will see
7 you in the morning at 9:30. Attach your badge to your
8 notepad, that will help them out as well.

9 (Whereupon, the jury leaves open court at 5:17
10 p.m.)

11 THE COURT: Is there anything we need to take up
12 before we break for the evening recess, from the State?

13 MR. UNDERWOOD: Nothing, Your Honor.

14 THE COURT: From the defense?

15 MR. GRIFFITH: Nothing, Your Honor.

16 THE COURT: Ms. Johns, anything?

17 MS. JOHNS: No, Your Honor.

18 THE COURT: Y'all have a good evening. And I will
19 see you in the morning at 9:30. Hopefully it will be
20 cooler.

21 (Whereupon, the trial continues on July 26, 2017.)

22 THE COURT: The State ready to proceed?

23 MR. UNDERWOOD: Before we get started, I was just
24 speaking with opposing counsel about some potential
25 stipulations. The subject was, as to the drug analysis

1 reports for all of the drug evidence in question in this
2 case, it's my understanding that both counsel are willing to
3 stipulate and have all of those documents admitted into
4 evidence and accept them as true. I just wanted to see --

5 THE COURT: I think we already admitted the
6 documents, haven't we?

7 MR. UNDERWOOD: There are more, Your Honor. That
8 was just for one count. We have six more.

9 THE COURT: I don't think you need the stipulation.
10 I think you need to mark them into evidence. That affects
11 argument. That affects argument. That doesn't affect --
12 they are not going to argue that it's not what it is.

13 MR. UNDERWOOD: Yes, Your Honor. And in that case,
14 Your Honor, I believe they are not objecting to those going
15 into evidence.

16 THE COURT: What number are those?

17 MR. UNDERWOOD: We are putting numbers on them
18 right now in just a moment.

19 THE COURT: Since that does not affect the
20 cross-examination of the witness, do I really need to delay
21 starting?

22 THE DEFENDANT: I have a question. Just for my
23 safety purposes, and counsel said it was done when I wasn't
24 here or day before I was here, I don't want to argue about
25 it, I just want to preserve it for appeal --

1 THE COURT: What is it you are trying to preserve?
2 We don't have hybrid representation. Your lawyer represents
3 you. So if there's something that needs to be protected, he
4 will do that. I don't understand what you are referring to
5 when you make reference to your safety. That's not
6 something that's an appellate issue.

7 THE DEFENDANT: No, I'm talking about as far as the
8 outcome of the trial as far as appeal goes.

9 THE COURT: I don't understand what you are talking
10 about.

11 THE DEFENDANT: I just wanted to preserve some
12 issues on here.

13 THE COURT: Sir, you need to make Mr. Griffith
14 aware of those. And at the appropriate time -- you don't
15 sort of throw issues out to preserve them. It has to be
16 made contemporaneous with evidence that is being introduced.
17 You don't get to just make statements for the record. The
18 rules don't work like that. And if it's what we've already
19 gone over, I'm not regurgitating that again. I've already
20 gone over all of that with you. I've ruled on it. We are
21 done. We are past that place. It's not going to be
22 Groundhog Day, repeating the same day every morning. That's
23 not going to happen.

24 THE DEFENDANT: All right. This is in regards to
25 the indictment.

1 THE COURT: I've already dealt with that and ruled
2 on it.

3 All right. Are we ready to proceed with the
4 cross-examination of the witness. Where is he?

5 MR. UNDERWOOD: He's just outside the door, Your
6 Honor.

7 THE COURT: You need to get him.

8 Who is going to cross Mr. Sekula first?

9 MS. JOHNS: Mr. Griffith is, Your Honor.

10 THE COURT: Sir, I will remind you, you are still
11 under oath.

12 Please get the jury.

13 (Whereupon, the jury returns to open court at 9:47
14 a.m.)

15 THE COURT: Good morning, ladies and gentlemen. I
16 hope y'all had a pleasant evening recess. We will now
17 resume with the cross-examination of the witnesses.

18 Mr. Griffith, you may proceed when you are ready.

19 MR. GRIFFITH: Thank you, Your Honor. May it
20 please the Court.

21 THE COURT: Yes, sir. You may proceed.

22

23 THOMAS SEKULA,

24 having been previously sworn, testifies as follows:

25 CROSS-EXAMINATION

1 BY MR. GRIFFITH:

2 Q. Mr. Sekula, is that how you pronounce it?

3 A. Yes, sir.

4 Q. Mr. Sekula, you are addicted to opiates, aren't you
5 you?

6 A. Yes, sir.

7 Q. And you are still using opiates or pills now,
8 aren't you?

9 A. Not at the moment.

10 Q. That is to say, when was the last time you took an
11 opiate or pill or heroin?

12 A. Last week.

13 Q. Last week. So you were using opiates while you
14 were acting as a CI; is that right?

15 A. I was.

16 Q. So a lot of that time you were under the influence
17 of opiates or heroin; isn't that right?

18 A. During the buys or during that time frame?

19 Q. During the buys or any of that time frame.

20 A. I was asked to come to the buys sober.

21 Q. You were asked to come to the buys sober, but
22 between the buys, you were still using opiates; isn't that
23 right?

24 A. Yes, sir.

25 Q. Okay. In fact, that's how you became involved in

1 this operation, is from your use of opiates, isn't it?

2 A. Yes, sir.

3 Q. So you used the term The Boys.

4 A. Uh-huh.

5 Q. That's a name you came up with yourself, isn't
6 it?

7 A. No, sir. It was something that was given to them
8 before I was around. It was what they were referred to
9 prior to my involvement. That's how they were defined to me
10 by others.

11 Q. By "others", do you mean law enforcement?

12 A. No, sir.

13 Q. But you didn't actually hang out with these guys,
14 did you?

15 A. I had been around them from time to time giving
16 rides to them, or I may have been in their presence for
17 longer than just purchasing at times.

18 Q. But most of the time in all those videos, you would
19 go in the store, you would come out?

20 A. During the videos, certainly. It wasn't something
21 that I wanted to hang out and enjoy time doing during that
22 operation. The whole goal was to get there, make the
23 purchase and then leave.

24 Q. But you didn't go to lunch with these guys or go
25 over to their house and eat dinner, did you?

1 A. No, I never ate dinner with them.

2 Q. You didn't really know these guys intimately, did
3 you?

4 A. No, I wouldn't say I did.

5 Q. You would really have no idea of any kind of
6 organization or how they did anything other than the way you
7 communicated with them; isn't that right?

8 A. Or what they communicated to me.

9 Q. You referred to an individual known to you as Q.

10 A. Yes.

11 Q. When did you associate that name with Emory
12 Roberts?

13 A. A young lady named Amy hung out with him. And she
14 had seen his name on his ID in their interaction. And she's
15 the one that had referred to him as Emory Roberts and let me
16 know his real name.

17 Q. But it was SLED and the Darlington Police who
18 really let you know who that was; isn't that right?

19 A. Well, they had asked me if I knew his name prior to
20 that, and I did. And I let them know that I knew his name
21 was Emory through the individual Amy Moore.

22 Q. Besides your drug offenses that the SLED and the
23 agents are helping you with in exchange for your testimony,
24 you've committed other crimes at times to support yourself
25 and your habit; isn't that true?

1 A. Yes.

2 Q. You mentioned shoplifting.

3 A. Yes, sir.

4 Q. Were you ever involved with receiving stolen goods?

5 You are under oath.

6 A. Not that I didn't steal myself or that I was aware
7 was stolen at the time. I've never taken something knowing
8 that it was stolen at the time.

9 Q. You were involved with some burglaries or breaking
10 and enterings?

11 A. No, I was not involved myself. My brother was.

12 MR. GRIFFITH: I have no further questions. Please
13 answer any questions Ms. Johns has.

14 THE COURT: Ms. Johns.

15 MS. JOHNS: Thank you, Your Honor. May it please
16 the Court.

17 THE COURT: You're welcome.

18 CROSS-EXAMINATION

19 BY MS. JOHNS:

20 Q. Your name is Thomas Sekula?

21 A. Yes, ma'am.

22 Q. Would it be okay if I call you Tommy?

23 A. Yes, sir.

24 Q. Is that your nickname?

25 A. That's what I go by, yes, ma'am.

1 Q. Tommy, on your direct examination yesterday, you
2 gave us a little bit of history about your life.

3 A. Yes, ma'am.

4 Q. And you stated that you started using opiates when
5 you had your wisdom teeth removed.

6 A. The first time I had taken them, yeah.

7 Q. And that was prescribed to you by a doctor; isn't
8 that right?

9 A. Yes, ma'am.

10 Q. How old were you then?

11 A. I was 18 or 19.

12 Q. Okay. And you were given a limited amount of
13 painkillers for that surgery; is that right?

14 A. Yes, ma'am.

15 Q. Were you living in this area or were you living in
16 Bluffton at the time?

17 A. I was in Summerville at the time.

18 Q. At some point, you left Summerville and you moved
19 to Bluffton?

20 A. Yes, ma'am.

21 Q. And this is because of discourse with your mother;
22 is that right?

23 A. No, it was because my grandfather had actually
24 passed away, and I was being promoted within the company I
25 was working for, and so was my girlfriend, and we chose to

1 go with her promotion over mine.

2 Q. How old were you then?

3 A. 24, 23, 24.

4 Q. And were you working for Walmart yet?

5 A. Yes, ma'am, that's where I was working.

6 Q. And she was also working for Walmart?

7 A. Yes, ma'am. She was in the vision center.

8 Q. And you had stated yesterday that you were a
9 manager?

10 A. I was, yes, ma'am.

11 Q. And what does a manager do?

12 A. At that time, I was the grocery manager before I
13 got promoted. And I was in charge of scheduling,
14 planograms, maintaining other people's work ethic and their
15 schedules, their tasks, ordering, maintaining on-hands and
16 PI, perpetual inventory, ordering features, maintaining the
17 presentation, cleanliness, just the overall -- I don't know
18 what the word is, just maintaining the department.

19 Q. But you weren't the manager of the entire store?

20 A. No, I was not the store manager, no, ma'am.

21 Q. So you were the manager of a department within the
22 store?

23 A. Yes, three departments within the store, yes,
24 ma'am.

25 Q. How long did you maintain that management position?

1 A. Six years.

2 Q. Six years?

3 A. Yeah.

4 Q. Did you work your way up or just get hired on as
5 manager?

6 A. No, I started as just a cashier when I first got
7 hired. Started work from high school.

8 Q. From high school?

9 A. Yes, ma'am.

10 Q. And you did graduate high school?

11 A. Yes, ma'am.

12 Q. You said you attended college?

13 A. Yes, ma'am.

14 Q. Did you enjoy those years in college?

15 A. Yes and no. It was a bit of a difficult time. I
16 didn't really have the parents in my life I needed or
17 academic advisor and utilized it. So I was taking on too
18 much and trying to work full-time as well as a manager. So
19 it was a bit of a stressful time.

20 Q. Did you have any involvement during those years you
21 worked for Walmart with heroin in this community?

22 A. No, ma'am.

23 Q. And when was your first time using heroin? Where
24 were you?

25 A. I was in Bluffton.

1 Q. What prompted the use of your heroin in Bluffton?

2 A. I was using Roxies at the time. And the individual
3 I was getting them from did not have any. Well, actually,
4 prior to that, I was at somebody's house and they had a
5 little bit, and told me it was the same thing as a Roxy.
6 And I just tried a little bit there. That was the first
7 time.

8 Q. Please inform this jury of the many ways in which
9 you can use heroin.

10 A. You can use it intravenously. You can sniff it.
11 You can smoke it. That's pretty much the most common
12 ways.

13 Q. So intravenously, means shooting in a vein?

14 A. Yes, ma'am.

15 Q. You can smoke it?

16 A. Uh-huh.

17 Q. Which means you can dust a cigarette or marijuana
18 joint with it; is that right?

19 A. Sure, or tar. You can smoke however, yeah.
20 There's many ways.

21 Q. A tar?

22 A. Yeah, tar. It's like a thicker substance. I guess
23 you would smoke it like -- I've never personally done it,
24 but I guess you can heat it on something, a foil or -- yeah.

25 Q. And smoke it like through a pipe?

1 A. Yeah, I suppose. Like I said, I've never smoked
2 it.

3 Q. And then smoking, in the vein, and what was the
4 other one?

5 A. Sniffing.

6 Q. So you can snort this?

7 A. Yes. You can actually eat it as well.

8 Q. What's the difference in the high exposure you get
9 from each one of those uses?

10 A. Well, the amount you would have to use would be
11 different. And then the intensity, also the amount of time
12 it would take for it to take action.

13 Q. So what's your favorite method?

14 A. Favorite method or most commonly used?

15 Q. The one that you prefer.

16 A. Intravenously, because it's more instant. And it's
17 something that I tried one time, and it's -- the habit is as
18 addictive as the drug is.

19 Q. The first time you did that in the vein, where were
20 you living?

21 A. I was living in Summerville.

22 Q. And did Mo teach you how to do that?

23 A. No, Mo did not teach me how to do that.

24 Q. Did G or Sissy teach you how to use that?

25 A. No, none on them taught me how to use that. I

1 learned that on my own.

2 Q. You learned on your own?

3 A. Through other people that I was around that were
4 using at the time.

5 Q. At that time, was Mo, my client, around?

6 A. The first time I shot up?

7 Q. Yes, sir.

8 A. No, but he did serve me the heroin that I shot.

9 Q. Oh, he did?

10 A. Yes.

11 Q. Okay. And when was this?

12 A. It was in the summer of 2013.

13 Q. Okay. Well, who is Matthew Simpson?

14 A. Matthew Simpson? Somebody that went to Mo for me
15 sometimes, one of the individuals that actually introduced
16 me to Mo or helped me come into contact with him.

17 Q. So Matthew Simpson was your connection when you
18 moved back to Summerville; is that right?

19 A. He was my middleman, yeah, when I first got back,
20 yeah.

21 Q. Also, prior to this, you were using cocaine?

22 A. Many, many years ago, yeah, not in the recent
23 years, no, ma'am.

24 Q. And you bought cocaine from a person named Rico?

25 A. Yes.

1 Q. And you also used Ecstasy; isn't that right?

2 A. I did, yes, ma'am. I experimented.

3 Q. And that didn't have any kind of pain relief that
4 you are looking for, does it?

5 A. Actually, it does. The serotonin in your head will
6 relieve pain just as dopamine does. It's -- actually,
7 Tramadol does the same thing as an SSRI. So it affects the
8 serotonin, rather than dopamine, which is a pain relieving
9 method.

10 Q. Serotonin is sort of same thing that helps you
11 sleep?

12 A. Well, it can, yes.

13 Q. All right. You met Matthew Simpson in Summerville
14 or Bluffton?

15 A. In Summerville.

16 Q. And he had some roommates, right?

17 A. Matt really hasn't ever been in a home. More or
18 less, was in hotels for most of the time that I've known
19 him.

20 Q. How did you meet Matt?

21 A. Through a family member, or through my mom's
22 ex-boyfriend's son, which is kind of like my brother. I've
23 known my entire life.

24 Q. Kind of like a stepbrother?

25 A. Yes, so to speak.

1 Q. What's his name?

2 A. Matt Rapagna.

3 Q. So this child Matt Rapagna was somebody you grew up
4 with?

5 A. Yes, I've known him pretty much my entire life.

6 Q. And he was into drugs?

7 A. Weed and alcohol. He's never been in anything
8 hard-core really.

9 Q. Who else? Who is Michael?

10 A. That's my brother.

11 Q. How old is Michael?

12 A. He would be 30 at the time.

13 Q. And you are 33?

14 A. Yes, ma'am.

15 Q. So you are the older brother?

16 A. Yes, ma'am.

17 Q. Okay. And does Michael have a girlfriend?

18 A. He had a girlfriend. I wouldn't call her his
19 girlfriend now.

20 Q. He knew a woman named Amy Moore; is that correct?

21 A. Oh, that was never his girlfriend, but, yes, he
22 knew her.

23 Q. Is Amy Moore the girlfriend that called the police
24 when y'all were --

25 MR. UNDERWOOD: Objection, Your Honor.

1 THE COURT: Basis?

2 MR. UNDERWOOD: Relevance, goes to the earlier
3 objection.

4 THE COURT: Please approach.

5 (Whereupon, the following bench conference takes
6 place.):

7 THE COURT: First of all, it's hearsay unless you
8 can establish he was there. He can't repeat any part of the
9 conversation.

10 MS. JOHNS: During examination yesterday, he
11 mentioned that the reason he had possession of heroin charge
12 was because Amy Moore called the police and 30 police
13 officers arrived at the house where he was.

14 THE COURT: Yeah, but you would still have to
15 establish it was from his own personal knowledge that she
16 called the police. But it's still hearsay. He can say what
17 he did as a result, unless it fits into some exception.

18 MS. JOHNS: I will expand on what he did as a
19 result.

20 THE COURT: You can do that, but it's hearsay.

21 (Whereupon, a bench conference ends.)

22 THE COURT: Sustained. Rephrase.

23 BY MS. JOHNS:

24 Q. There was a time in April of 2015 when you were at
25 a home when an estimate of 30 police officers showed up; is

1 that correct?

2 A. I couldn't say 30, but quite a few, over a dozen.

3 Q. Over a dozen?

4 A. Yeah.

5 Q. Okay. And at that time, you and a number of other
6 people were charged with possession of heroin, correct?

7 A. Two other people.

8 Q. Okay. And who were the two other people?

9 A. My brother and my girlfriend.

10 Q. And your girlfriend's name is Amber; is that right?

11 A. That is correct.

12 Q. Was your brother arrested?

13 A. He was.

14 Q. And was Amber arrested?

15 A. She was.

16 Q. Anybody else in the house?

17 A. Yes.

18 Q. Who was in the house?

19 A. Ashley Strickland.

20 Q. That's it?

21 A. That's it.

22 Q. Now, who was Bengi?

23 A. He is an individual that lived over at Big Dave's
24 house.

25 Q. Did he use?

1 A. He did.

2 Q. What about Big Dave, did he use?

3 A. He did as well, yes.

4 Q. Do you know where Big Dave got his dope?

5 A. One of his sources was from Mo.

6 Q. And who else?

7 A. I don't really know all his other sources.

8 Q. You don't?

9 A. No. I know one other person he may have got it
10 from, that was BK, yeah.

11 Q. You traveled with him when he went to get his dope,
12 didn't you?

13 A. Occasionally, more when he went to take me to get
14 something or I would take him to get something.

15 Q. So is it your testimony that G and Q and Mo and BK,
16 that they are your only source of drugs? Is that your
17 testimony?

18 A. At that time frame, they were the only people we
19 were able to get dope from when I came back from
20 Summerville.

21 Q. You were able to get drugs from?

22 A. I didn't have anybody else. It was almost like I
23 was new to the area again after being gone for seven years.
24 I didn't have a whole big social network here anymore.
25 Especially when it came to those things, because when I left

1 the area, I wasn't involved in heroin.

2 Q. So you got drugs from Q?

3 A. I have gotten drugs from Q, yes.

4 Q. What about Chris? You got drugs from Chris before,
5 didn't you?

6 A. Yes, he was one of The Boys over there.

7 Q. He was one of The Boys?

8 A. Yes. He was associated with them. That's how I
9 met him. He served me for The Boys through that number.

10 Q. And there was a guy name Will; is that right?

11 A. He had been present at Q's house, yes.

12 Q. So everybody that you were buying dope from is
13 listed as The Boys?

14 A. Yeah. They were all a part of that organization.
15 At one time or another, I could have called that number or a
16 number that I got from the individuals who had that phone at
17 one point and got a direct number for them.

18 Q. What number was that?

19 A. There were so many. One point it was like
20 302-2310. They had a 1904 number. They had several
21 numbers.

22 Q. What was that -- I'm sorry. Go ahead.

23 A. They changed it. It's not something that stayed
24 the same all the time. If somebody was to get in trouble
25 close to the group, they would change it, just as they made

1 me change my number before.

2 Q. Now, you said that there was a number that you used
3 as a hub number. Do you remember that number itself?

4 A. Again, that number would change. As I said, at one
5 point in time, it was something along the line of 302-2310,
6 but I haven't called any of those numbers. They have gotten
7 locked up a year ago the previous February. So it's been
8 some time since I've dialed that number or even seen it in a
9 phone.

10 Q. Who owned that number?

11 A. I wouldn't have ever looked at their records. I
12 imagine it was a burn phone.

13 Q. You've had experience with cell phones, correct?

14 A. Yes.

15 Q. And when you get a cell phone, is it listed in your
16 name?

17 A. It has been. And there have been times when it was
18 not.

19 Q. Why wouldn't it be?

20 A. Just, obviously, reasons of what you may have been
21 doing or the fact that I got a new number every month and I
22 didn't want them to bill me for the cell phone.

23 Q. Okay. So when you got a new number every month,
24 you would use it, and then you would owe money, and then you
25 would just --

1 A. You wouldn't necessarily owe money unless you
2 wanted to continue the service on it. You can always buy a
3 new SIM card and it was cheaper than paying the bills for
4 the next month's service.

5 Q. So you had a way of getting around anybody finding
6 out that you were in this drug dealing business, right?

7 A. Well, I had a way to keep my cell phone bill down.
8 It was cheaper to pay for a new month's cell phone than it
9 was to keep the phone going, which it changes by now.

10 Q. During the time you were employed with law
11 enforcement in Dorchester County, did they pay for your
12 phone?

13 A. No.

14 Q. They didn't?

15 A. No.

16 Q. You were still paying for your own phone?

17 A. At some point during that, my girlfriend's
18 grandmother got her a phone so she could stay in contact,
19 and we didn't have to worry about that anymore. I just used
20 her phone.

21 Q. Did you use that phone for the entire time?

22 A. Oh, not the entire time, no, ma'am.

23 Q. How long did you use that phone?

24 A. The exact date, I don't know.

25 Q. You don't know that date?

1 A. No, I wouldn't, no.

2 Q. So do you know the phone that you had before that,
3 how long you had that phone?

4 A. No, I don't know how long. I've had bad runs with
5 phones as far as breaking them. And being that they are \$20
6 at Walmart, it wasn't hard to replace.

7 Q. Now, you had said earlier yesterday that there was
8 something called transporting a phone number, where there
9 would be a phone number that was used. Could you explain
10 that to the jury, please?

11 A. Yes, ma'am. The detectives would use a phone or a
12 device, I think they called it a Ninja phone or Ninja
13 something, and they would basically call -- they would call
14 my phone. And I would answer their call. And then it would
15 call the number, the target number we were dialing so that
16 they could record the conversation. So I never actually
17 called their phone number. They would call me and then call
18 the phone for Q or Mo. And it would be through that system
19 that they would be able to record.

20 Q. So what you are saying is that somebody could use a
21 phone and call a number, for example, they could use that
22 transporting device, call a phone number?

23 A. Uh-huh.

24 Q. Like the 302 number?

25 A. Uh-huh.

1 Q. Call you, and when you looked at the phone, it
2 would be coming from that 302 number?

3 A. As long as the individual's number that you were
4 using as representation answered and -- I would have to
5 answer their call first and allow that to take place. They
6 couldn't just do that without my consent.

7 Q. Okay. You are aware of other technology that
8 allows one to call a phone and it shows up as a different
9 phone number, aren't you?

10 A. Yes. They have apps like that.

11 Q. So that's an app?

12 A. Yeah. That particularly wasn't an app. That was
13 more of a device specifically designed for that.

14 Q. And the difference is that the app would show
15 different phone number; whereas, the device helps law
16 enforcement record it?

17 A. Yes. And it actually uses the same number. It
18 actually traveled through my phone. It didn't just show up
19 as a number. It used my phone.

20 Q. Right. But the app, you could use an app and you
21 can call a number and it could transport --

22 A. Yeah, you could do that, yeah.

23 Q. Now, so with this arrest that occurred in April of
24 2015, I think that on cross-examination, Mr. Griffith asked
25 you about other crimes?

1 A. Yes, ma'am.

2 Q. And you stated that you had stolen something that
3 didn't belong to you; is that right?

4 A. From a store, yes.

5 Q. Is that the only time you've ever been caught?

6 A. From store shoplifting? I've had two shoplifting
7 charges.

8 Q. Two charges?

9 A. Yes.

10 Q. But you've shoplifted more than twice?

11 A. Yes.

12 Q. Okay. And so being caught twice doesn't
13 necessarily mean you've only done it twice; am I right?

14 A. No, as with anything.

15 Q. Okay. And so if you did go to the pawnshop and
16 pawn something, did it actually belong to you or did it
17 belong to somebody else?

18 A. Most of the time, things belonged to me that I've
19 actually pawned. I am not real popular with the pawn shops.
20 I haven't gone to the pawn shops a whole ton.

21 Q. And you are not popular with the pawn shops because
22 they don't want you --

23 A. Not that they don't like me. More I just don't
24 like that situation. I'm not real comfortable with that
25 rather.

1 Q. Well, Amber has gone in and done that for you,
2 hadn't she?

3 A. We've pawned things, yes, we have.

4 Q. And so has Amy, right?

5 A. I don't think Amy's ever pawned any merchandise for
6 me.

7 Q. What about your brother?

8 A. Pawning things for me, no, I don't believe so.

9 Q. So other than money, have you obtained drugs by use
10 of other things.

11 A. Yeah, like traded things, like gift cards. As I
12 gave testimony yesterday, there was a gun that I purchased
13 that I traded for something before.

14 Q. You purchased a gun?

15 A. Yeah, from an individual. It turned out to be an
16 aerosol pistol.

17 Q. And you used that air pistol, which was like a,
18 what, like a BB gun?

19 A. Yes, like a high-powered pellet gun, so to speak.

20 Q. And you used that to trade for drugs?

21 A. I did.

22 Q. And what about other items, laptops, iPads, cell
23 phones, anything?

24 A. I haven't ever taken those particular devices. I
25 took my brother at time to trade for those things.

1 Q. Let's talk about your brother a little bit, because
2 in one of the recordings yesterday that we heard, I believe
3 while you were at Summer Creek, somebody had asked you about
4 your brother and you said he wasn't around anymore. Do you
5 remember that?

6 A. I don't remember that. They asked me about another
7 individual. That was not about my brother.

8 Q. It wasn't?

9 A. No, that was about Wes.

10 Q. Who is Wes?

11 A. Guy that I met through my cousin.

12 Q. The guy you met through your cousin Wes, did he use
13 dope?

14 A. He did.

15 Q. Did you all ever share any dope?

16 A. What do you mean, share dope?

17 Q. Did he buy some dope and share it with you?

18 A. That had taken place before.

19 Q. Had you bought dope and shared it with him?

20 A. Yes, that has taken place before.

21 Q. Was Wes one of The Boys?

22 A. No. I never called that number and reached Wes.

23 He never obtained that phone number. He had his own phone
24 number.

25 Q. Oh, he had his own number? So the only people that

1 you were able to make contact with under the hub number was
2 considered The Boys?

3 A. Or that called me from that number or told me that
4 I could contact them to get heroin from that group.

5 Q. So let me see if I got this straight. If you were
6 looking for heroin and you called Wes and he didn't have
7 any, would he tell you where you could find some?

8 A. No, that wouldn't be likely. That wasn't really
9 his avenue.

10 Q. So other than The Boys, if you called somebody,
11 some other friend of yours looking for some heroin and they
12 didn't have anything, wouldn't they tell you where you could
13 find it?

14 A. If they knew where to find it. But then there
15 would also be the days where you would just lay in the bed
16 sick.

17 Q. Now, when they didn't have it and they didn't know
18 where you could get it, did you get a phone call back from
19 them telling you that they found some for you?

20 A. Sometimes, not always, not particularly always.
21 People in that game, if you are not doing something for
22 them, they are not really going to do something for you.
23 And you do not always have the most amount of money to spend
24 on that stuff. Things get tight. If you've got 20, 40
25 bucks, it's not enough to take care of them as well. They

1 are not really going to do you that favor. There's not a
2 lot of favors out there. It's more like, you scratch my
3 back, I scratch yours.

4 Q. Or every man for themselves?

5 A. A lot of times or just depends on which group you
6 spend your time with. That's why the friends are few and
7 far between in that.

8 Q. How many of your friends did you turn into the law
9 enforcement?

10 A. Friends?

11 Q. Yes, sir.

12 A. Did I turn into law enforcement? I would never
13 have considered them to be friends. They were business
14 associates or acquaintances.

15 Q. I'm talking about your friends.

16 A. No friends.

17 Q. You don't have any friends?

18 A. I haven't turned any friends into law
19 enforcement.

20 Q. Okay. Now let's talk about this agreement that you
21 have with law enforcement.

22 A. Okay.

23 Q. First of all, they knew that you had a heroin
24 charge from April of 2015, correct?

25 A. Yes.

1 Q. And then somebody set you up; is that right?

2 A. That is correct.

3 Q. And this somebody that set you up was not a friend
4 of yours or was a friend of yours?

5 A. I couldn't tell you. Don't know who they are.

6 Q. So during this time that this person set you up,
7 you went to four different locations. And you distributed
8 heroin to the person, isn't that right?

9 A. No, I am not aware. I was under the impression
10 that it was one location one time. I never seen the motion
11 discovery, the Rule 5. All I know is that it happened. I
12 never seen any of that. So I don't know how many times or
13 what.

14 Q. Well, I was under the impression yesterday that
15 when you were talking about your agreement, that law
16 enforcement told you exactly what was going on and what
17 consequences --

18 A. I was told that they had evidence against me, video
19 and audio, that I had sold them heroin, and that was my
20 situation. Plus, I was already facing the charges. So that
21 was enough to enlighten me to know that I needed to do
22 something.

23 Q. So they knew that you had distributed heroin and
24 they told you about it?

25 A. That I had sold something to a CI.

1 Q. And did they tell you that at that time, without
2 other convictions, that you could have gotten up to 15 years
3 for that?

4 A. Not exactly the exact time frame. I know I could
5 have done time. Again, it's been a long time since we've
6 had those conversation.

7 Q. How long is a long time?

8 A. I mean, over two years, I believe. April 2005, so
9 it's been about two years.

10 Q. So two years they knew, two years ago, that you
11 were distributing heroin?

12 A. That I did at that time, yeah. And that's when I
13 got arrested for it. And then I was presented the same
14 opportunity that anybody of a conviction or the charges
15 would have been presented.

16 Q. As far as you know?

17 A. Yes, as far as I know, yes.

18 Q. At least that's what they offered you, right?

19 A. Yeah.

20 Q. Now, you said that they didn't tell you that you
21 had only done it one time?

22 A. They didn't say how many times I had done it.

23 Q. You knew you did it more than once?

24 A. Well, I knew I done it once.

25 Q. You had only done once?

1 A. That they knew of to that individual.

2 Q. Okay. Well, if you only did it once, then you
3 would know who it was that turned you in, wouldn't you?

4 A. No, once to that individual.

5 Q. Okay. So if you did it with that individual more
6 than once, they would know that, wouldn't they?

7 A. They would know, yes.

8 Q. And you wouldn't know that, would you?

9 A. I only know that they had evidence against me.

10 Q. So if you were selling heroin seven days a week,
11 that would have been seven times that they would have known,
12 right?

13 A. If that was the circumstances, yes.

14 Q. Okay. So did they go over dates with you?

15 A. They may have. I know that it said that I went to
16 a specific location that was, I think, assigned or
17 predetermined by me, and met them, and sold them less than a
18 gram. And that's all that I know.

19 Q. Okay. And do you know if that was Publix?

20 A. I do not know.

21 Q. Or Sunoco?

22 A. I don't know the location.

23 Q. Well, you sold at Publix before, hadn't you?

24 A. I believe so, yes.

25 Q. And inside a convenience store where you hid it

1 underneath the soda can, right, or a bottle of soda for
2 somebody with it on there, right?

3 A. I don't know if it was exactly that circumstance,
4 but that's a possibility.

5 Q. Well, you used items to conceal the dope?

6 A. I have, yes.

7 Q. For example, like a gum pack?

8 A. Yeah, possibly.

9 Q. And then they also had gone to your home at one
10 time at Winter Drive, didn't they?

11 A. I don't know if they did or not.

12 Q. Well, did they raid your house or not?

13 A. Oh, the police had raid the house?

14 Q. Yes.

15 A. Yes.

16 Q. And when they raided your house, they found
17 evidence, didn't they?

18 A. No, they didn't find anything.

19 Q. They didn't?

20 A. They didn't find anything in my home.

21 Q. They didn't find syringes?

22 A. I don't believe so.

23 Q. Did they ever find a scale in your possession?

24 A. They found that at my brother's house at the time,
25 in April. And it wasn't in my possession. It was on the

1 coffee table, as was everything except for some Xanax was in
2 my pocket.

3 Q. Do you remember a time when Amber got pulled over
4 and there were scales underneath your seat? You had a
5 syringe in your pocket?

6 A. Yes, I've had syringes on me, yes. And Amber
7 wasn't driving. She didn't get pulled over. Somebody else
8 was driving. Amber hasn't been driving for a while. She
9 may have been with me.

10 Q. Was that Elwood?

11 A. Elwood? No, I've never been with Elwood before.

12 Q. In this agreement that you made with law
13 enforcement, you agreed not to commit any crimes, didn't
14 you?

15 A. I agreed to be on my best behavior. I told them up
16 front that it would be very difficult to send a heroin
17 addict to buy heroin and to be around that environment still
18 and not to try to not be sick still.

19 Q. Okay. Now, in this agreement, you agreed that you
20 would be on your best behavior?

21 A. That I wasn't going to be out there running around
22 doing anything crazy on the streets. I wasn't going to be
23 out there buying and selling heroin or anything like that,
24 you know, moving it around. They knew that I had an
25 addiction.

1 Q. So you basically lied to them about that, didn't
2 you?

3 A. No, I did not.

4 Q. You did buy, didn't you?

5 A. That's buying and selling for people, I mean as far
6 as distributing, buying to sell.

7 Q. When you use it, you are buying it, aren't you?

8 A. That's what I'm saying. I bought for personal, but
9 I wasn't buying to sell and move around. I wasn't selling
10 heroin still. You have to buy it in order to sell it, I
11 wasn't doing that part of it. I was taking care of my
12 addiction.

13 Q. So you weren't selling it, but you were buying it?

14 A. I was.

15 Q. And you were buying it while you were working for
16 police?

17 A. Not at the same time as the buys were going on, but
18 in my free time, yes, I still buy heroin.

19 Q. I am not trying to trick you on that. I'm just
20 asking you for an honest response.

21 A. I just want my wording to be taken correctly. I
22 don't want them to think that I was buying heroin while
23 working for them.

24 Q. I understand. So let me just sort of summarize
25 your testimony. You weren't buying while you were doing a

1 controlled purchase?

2 A. Correct.

3 Q. You bought on your own free time?

4 A. Yes, ma'am.

5 Q. And you were using at your own free will on your
6 own free time?

7 A. Yes, at times, yes.

8 Q. And when you bought during your free time, you had
9 to buy from somebody, right?

10 A. Yes.

11 Q. When you bought, they weren't controlled purchases,
12 were they?

13 A. No, they weren't.

14 Q. The police did not know you were buying?

15 A. No, they did not.

16 Q. When you bought from somebody, you bought from who?
17 Was it The Boys? Was it a friend? Was it Chris? Was it
18 Rico? Was it -- let me go through some names.

19 A. I haven't seen Rico in over 10 years. And I bought
20 from The Boys.

21 Q. I'm sorry. What about your brother? You bought
22 from him, didn't you?

23 A. No. My brother didn't sell heroin.

24 Q. He didn't sell it?

25 A. He didn't sell it, no.

1 Q. But he used it?

2 A. Occasionally. He was trying to stay off of it and
3 use Suboxone, but it's a struggle. It's an inner demon we
4 deal with.

5 Q. Well, where is your brother now?

6 A. He's in prison.

7 Q. And have you ever been taken to the hospital for
8 your use of heroin?

9 A. Yes, ma'am.

10 Q. And has your brother?

11 A. Yes, ma'am. He tried to kill himself four times in
12 a row because he was tired of the addiction.

13 Q. Okay. So he didn't use that much, but he used
14 enough to have to go to the hospital, right?

15 A. He intentionally did that. It's not a -- see, when
16 you use heroin, it isn't the amount of times that you use
17 that is going to take you to the hospital. It's the
18 decision to use too much at one time that could possibly do
19 it.

20 Q. Okay.

21 A. And the less you use less frequently, the more
22 likely that is going to happen, because you have no
23 tolerance to it. That's why so many people that get out of
24 jail or get out of rehab end up in that predicament.

25 Q. So you are saying to this jury that being an addict

1 is not a choice?

2 A. I'm saying that being an addict, it makes it very,
3 very difficult to get away from that that you become
4 addicted to. That's what the word actually is defined to
5 mean.

6 Q. Now, let's talk about this a little bit. You said
7 during your direct examination yesterday that you wanted to
8 have a better relationship with your brother.

9 A. Yes.

10 Q. Is that correct?

11 A. I've said that before, yes.

12 Q. And that -- let me look at this real quick.

13 MS. JOHNS: Beg the Court's indulgence, Your Honor.

14 THE COURT: Uh-huh.

15 A. Do you remember what context I said that in?

16 Q. Yes, I'm looking for it. While I'm looking for
17 that, have you ever been homeless?

18 A. Yes, so to speak. I've had to stay with people,
19 not having my own home, but somewhere to stay,
20 unfortunately.

21 Q. Did you ever own a car?

22 A. Many, many years ago.

23 Q. What kind of car was that?

24 A. The last car that I owned in my name was a
25 Mustang.

1 Q. A Mustang?

2 A. Yes, ma'am.

3 Q. Last time you had use of a car, what kind of car
4 was that?

5 A. Honda Civic.

6 Q. Whose car was it?

7 A. Amber's.

8 Q. What happened to that car?

9 A. The flood that happened before this last hurricane,
10 we were in Summer Village where the car was parked. It
11 flooded over and we didn't have insurance on it at the time.
12 And she was fighting with FEMA to get it fixed, but it
13 killed the battery and the O2 sensors. And there's just
14 several problems with it. There's mildew on the inside. It
15 was kind of in bad shape at the time.

16 Q. Sir, when you moved to Bluffton, did you do it for
17 the promotion or to get away from Summerville?

18 A. I actually passed on my promotion and I stepped
19 down in order to get away from the area and go with her and
20 support her in her promotion and her job.

21 Q. Why did you want to get away from the area?

22 A. My grandfather had just passed away. I didn't
23 really have anywhere to go. And things were just kind of
24 tough around here at the time. It was just too much to
25 take.

1 Q. So you were working at Walmart as manager.

2 A. At that time, that's when I was promoted to go to a
3 specific store, the one in Montague as an assistant. And
4 whenever I actually went to go, after everything with my
5 grandfather settled, they were moving me to another store,
6 the store in Mount Pleasant with an individual that had a
7 bad reputation for trying to make people quit, potentially.
8 And with all the stress and losing my grandfather and the
9 family things that were going on, I really wasn't up to it
10 at the time.

11 Q. So at that time, you were not using?

12 A. No heroin, no. It was about six years after that
13 the first time I used heroin.

14 Q. All right. Now, when you got in trouble, you
15 stated that someone else got in trouble and used you as a
16 fall guy?

17 A. Yeah. They used me as a person to purchase from in
18 order to get out of the situation or get -- I don't know
19 what kind of deal they were given.

20 Q. So he's part to blame for you getting caught?

21 A. I think I'm to blame for me getting caught.

22 Q. Okay. All right. Now, if you were to get 15 years
23 for each time that you bought heroin or shared it or sold
24 it, that's a lot of the time, isn't it?

25 A. I think it would be for any heroin addict.

1 Q. Now, did you actually go into custody for the
2 distribution of heroin counts that they had you on?

3 A. That I was ever arrested for?

4 Q. Yes.

5 A. Yes.

6 Q. Did you go to jail?

7 A. Yeah.

8 Q. And did you spend the night?

9 A. I did.

10 Q. Did you get bond set?

11 A. I had a PR bond, but I had a warrant for
12 paraphernalia or something I had to sit on.

13 Q. So after that, after this person who became a
14 confidential informant against you, did you go to jail for
15 any of those distribution warrants, because you sold to
16 them?

17 A. I was arrested for, I guess, each. I went to jail.
18 I was arrested, in which I was confronted by narcotics at
19 that time.

20 Q. So when you were confronted by narcotics at the
21 time, did they take you to the local detention center?

22 A. I was in their custody down in Summerville. And
23 then -- no, I was released after I worked for them.

24 Q. After you signed the agreement, agreed to work for
25 them, you didn't go to jail, did you?

1 A. Not at that time, no.

2 Q. Not even the detention center?

3 A. No. I was in the local jail, which they do have
4 the holding cell and stuff, so I was in custody.

5 Q. Now, are you technically savvy?

6 A. Not as I used to be. I don't keep up with
7 technology the way I used to, necessarily.

8 Q. You have the ability to Google something, don't
9 you?

10 A. Certainly.

11 Q. Would you be surprised to know that there are
12 10-plus more pages on Google for help and recovery for
13 heroin addiction?

14 A. No, I would not be surprised.

15 Q. Have you ever heard of a place called Crossroads?

16 A. I may have heard the name.

17 Q. What about Serenity Acres?

18 A. No.

19 Q. What about some free treatment centers, like Elite
20 Treatment Center?

21 A. Never heard of that.

22 Q. Never heard of it?

23 A. No.

24 Q. Do you know what methadone is?

25 A. I have heard of that. I also know it's worse than

1 heroin withdrawal. It gets in your bone marrow.

2 Q. Do you know that it's legal to use under the
3 supervision of a physician?

4 A. I do. I also know that you have to get there every
5 morning before a certain time. And without a ride, being
6 all the way down to West Ashley or Montague, it's kind of
7 hard to get there, because I considered it multiple times.
8 I would actually like to go.

9 Q. But, instead, you took the easy way out, didn't
10 you?

11 A. I didn't take the easy way out. I took the way out
12 that would work, because if I don't have a ride to go to a
13 methadone clinic, they cut you off. And then you are right
14 back in the same boat.

15 Q. Well, you were given the opportunity of a lifetime
16 working with law enforcement, weren't you?

17 A. I wouldn't say of a lifetime. If I could have
18 avoided the whole situation, I would have. I took the
19 opportunity that made the most sense at the time.

20 Q. If you had asked law enforcement to help you, they
21 probably would have, wouldn't they?

22 A. It's intended to be done when this is over. I've
23 spoken to them about that.

24 Q. All right. So instead of getting up and asking
25 somebody to help you who obviously has the community's

1 interest at heart, you chose the easy way and went and just
2 got your fixes, right?

3 A. No, that's not true. They can't be responsible for
4 waking up every single day, six days a week to drive me down
5 somewhere and back.

6 Q. But you can?

7 A. I tried. It's not so easy without family that's
8 able to do it and whatnot. Pretty much the only way to even
9 get a ride to go get something accomplished these days is to
10 be able to give somebody what they want. A ride to the
11 methadone clinic doesn't really establish that for people.
12 It's hard to get things done out there in the situation.
13 You get yourself is between a rock and a hard place at the
14 bottom. And it's hard to move around. It's not so simple
15 as you make it sound.

16 Q. Okay.

17 A. If I could so easily as hop on my bicycle and ride
18 around the corner to the town of Summerville and go to
19 methadone clinic, you better believe I would do that every
20 day.

21 Q. But you didn't choose to wake up to do that?

22 A. I don't have a way to get there. I have asked. I
23 asked my grandparents, my grandfather and all of them, but
24 he's got Alzheimer's. And my grandmother can't do it. My
25 mother is on disability. It's really hard to get those

1 things accomplished with people on fixed income.

2 Q. You were working for the Dorchester County
3 Sheriff's Department for six months, weren't you?

4 A. Yes, they weren't paying me for me.

5 Q. No, they weren't paying you for it?

6 A. And they have other things to accomplish. I am not
7 their own CI.

8 Q. So you don't think if you would called in the
9 morning before eight o'clock and said, hey, Dorchester
10 County officer that I'm working with, would you mind -- let
11 me finish -- would you mind helping me get to the methadone
12 clinic? You think he would have said no?

13 A. I think most of the times when I contacted the
14 individual I was working for, we didn't get in contact until
15 11 or 12 that day no matter what time I texted him, because
16 that wasn't his schedule.

17 Q. When you were driving your Mustang, how many
18 Mustangs were on the road?

19 A. That's not a feasible question. I have no idea how
20 many Mustangs were on the road.

21 Q. You have no idea, right? There are thousands on
22 them.

23 A. Yes.

24 Q. Did you ever sell a car?

25 A. Not to an individual. I let my uncle handle that.

1 Q. And when you were driving around in your
2 girlfriend's Honda, there were hundreds of thousands of
3 Hondas on the road, right?

4 A. Certainly, yeah.

5 Q. Did you help her buy her car?

6 A. Did I help her buy her car? I helped her pay some
7 of her payments.

8 Q. Not during the transactions? So you wouldn't know
9 what would be involved in buying a car?

10 A. Ever car I've ever bought has been from an
11 individual.

12 Q. When you do buy a car from an individual, you have
13 to transfer title; you have to make sure you have insurance;
14 isn't that right?

15 A. Yeah.

16 Q. And you have to register it, right?

17 A. Yeah, not a good example for this situation.

18 Q. No? Why?

19 A. The last car I bought, the gentleman had to keep it
20 in his name and I paid him. And he was a close friend. And
21 I drove his car until he was able to get insurance. It was
22 a long time.

23 Q. All right. When you were at Margaret Drive, who
24 lived there?

25 A. Q.

1 Q. When you were at Summer Creek, who lived there?

2 A. Q.

3 Q. And when you were at Bear Island, who lived there?

4 A. Where?

5 Q. Bear Island Road?

6 A. Where is Bear Island Road.

7 Q. You've never been to Bear Island Road?

8 A. No.

9 Q. Do you know a guy named G?

10 A. Uh-huh.

11 Q. Do you know where he lived?

12 A. No.

13 Q. Do you know where Mo lived?

14 A. He did stay on Arno at the trailer for a period of
15 time. And then he was over in the apartments back over
16 there by Target.

17 Q. Okay.

18 A. In that area.

19 Q. Have you been to his apartment?

20 A. No, ma'am.

21 Q. Have you ever been to Whittle Road? That's -- I'm
22 saying that wrong. Hang on one second. You say that I
23 lived in Arno Drive or stayed there? Is there a difference?

24 A. He was there all the time. I mean, that's where he
25 was at all the time, when he said come by the house, come by

1 the trailer, you know.

2 Q. You saw him sleeping there?

3 A. No, I never really saw him sleeping anywhere.

4 Q. Did you see his clothes hanging in the closet in
5 Arno?

6 A. No, but I've seen his car parked there and eating
7 there and fixing meals and staying there after I left and
8 being there when I came back, living there, sitting and
9 watching TV, as anybody would.

10 Q. Well, did you sit and watch TV in the houses that
11 you don't live in?

12 A. I have, yes.

13 Q. Did you fix meals in those houses?

14 A. Occasionally. I didn't stock the refrigerator.

15 Q. But you had dinners there or lunch or whatever?

16 A. Yeah.

17 Q. Didn't mean you lived there, right?

18 A. No.

19 Q. Okay.

20 A. But I didn't keep my dog there either and things of
21 that nature. I mean, he stayed there.

22 Q. He stayed there?

23 A. Uh-huh.

24 Q. And you are saying this because he had his dog with
25 him?

1 A. He had his dog there. He would go shopping and
2 bring his food there, and he was always there.

3 Q. So you hung out with him then?

4 A. I have been around him for more than five minutes,
5 yes.

6 Q. So he was your friend?

7 A. I wouldn't say my friend either, just an
8 acquaintance that I was able to talk to.

9 Q. But he was more of a friend with you than you were
10 with Q, right?

11 A. I've known him longer.

12 Q. Let me find this real quick. Won't take but a
13 minute. Wilhite Drive, did he live there?

14 A. Doesn't ring a bell.

15 Q. You've never met him there?

16 A. I don't know where that location is exactly. Is it
17 another residence?

18 Q. Yes.

19 A. Not that I could remember, no.

20 Q. Is Sissy and Cici the same person?

21 A. Rosemarie?

22 Q. I don't know.

23 A. That's her real name. That's who I would define as
24 Cici, or call her.

25 Q. So is it Cici?

1 A. I've called her Cici, personally. I may be
2 incorrect in the pronunciation, but that's Rosemarie.

3 Q. Who is Sissy?

4 A. May be the same person. I don't know.

5 Q. You don't know?

6 A. I'm not sure. May be a pronunciation thing.

7 Q. Who is Chica?

8 A. That may be Rosemarie too. I've heard her called
9 that.

10 Q. So she has three nicknames?

11 A. Two I was aware of, called her myself.

12 Q. And what's your nickname on the street?

13 A. I don't have one. I just go by Tommy.

14 Q. Tommy.

15 Q. You also said on direct examination yesterday that
16 the biggest amount of dope that you bought, which is heroin,
17 was 21 grams?

18 A. Yes, ma'am.

19 Q. And you bought that from a guy name Keith, right?

20 A. I believe so, yeah. He's the one I got it from
21 over there.

22 Q. Where was Keith when you bought this 21 grams from
23 him?

24 A. Arno.

25 Q. And did Keith live at Arno?

1 A. He stayed there but he had stated to me he didn't
2 live there. He was from out of town somewhere.

3 Q. Do you know where?

4 A. Might have been Spartanburg or Orangeburg area.

5 Q. So how big was this trailer?

6 A. It had three or four rooms.

7 Q. Rooms?

8 A. Yeah, had a living room, kitchen area when you
9 first walked in. I mean, it wasn't a tiny trailer.

10 Q. Did you ever get back in the back where the
11 bedrooms are?

12 A. I've been in the living room.

13 Q. And that's it?

14 A. Around the rooms, yeah, mainly in the kitchen
15 area.

16 Q. Did Keith have a girlfriend?

17 A. He had been with girls before. I don't know if
18 they were his girlfriend or not.

19 Q. Were the girls there at the house?

20 A. He had them there at a time after a party or at the
21 bar, but not on a regular basis. They didn't stay all the
22 time, no.

23 Q. So you knew Keith well enough to party with him?

24 A. No, I never partied with him. I just seen him.

25 After times people had been out, you can kind of tell when

1 somebody had been out drinking.

2 Q. After he's been out, you've been over to his house?

3 A. To meet him, yeah.

4 Q. To meet him?

5 A. Yeah.

6 Q. How long did Keith live in Arno?

7 A. Like I said, I'm not sure that he lived there, but
8 he had been over there probably for -- I probably dealt with
9 him for about a year.

10 Q. A year?

11 A. Yeah.

12 Q. Did Chris live there?

13 A. He was there from time to time too. Like I said,
14 they didn't live there. The only person I knew that was
15 there to begin with was Mo. And then those people would
16 come and they would hang out there. I guess it kind of
17 ended up turning into -- like I said, it's just a main --
18 the main spot that they would use eventually.

19 Q. For a year, you said?

20 A. Yeah. Probably around the time Keith showed up
21 over there and the other guys, it became more of the meet
22 spot. At first, it wasn't. It was very rare that Mo would
23 have anybody come back there. He would just meet you
24 somewhere.

25 Q. And G, did he live there?

1 A. Which G?

2 Q. Well, let's start with a guy named Lassain Johnson.

3 A. I don't know his real name. There are two Gs.

4 There's, like I said, the one with the dreads that drove the
5 Audi, and then the taller bigger G.

6 Q. Did he live there too?

7 A. As far as I know. I don't know that they lived
8 there or not, but they would be there from time to time.

9 Q. Let's talk about these controlled buys. Law
10 enforcement would call you to tell you that it's time to do
11 a buy. Is that the way it worked?

12 A. Yeah. They would call me and tell me they wanted
13 me to set something up for that day or the next day. So I
14 would be available.

15 Q. So when they got in touch with you, how did they
16 get in touch with you?

17 A. Call or text.

18 Q. And you would have to respond within -- what was
19 the parameters, an hour or two?

20 A. As soon as I seen it, I would respond, typically.

21 Q. And when they set that up, they said, can you
22 arrange a buy today?

23 A. Uh-huh.

24 Q. And you said, I don't know, let me check?

25 A. I just made sure they were on, yeah.

1 Q. So you had to get back to them before you could
2 actually arrange something, right?

3 A. I would just call and make sure the phone was
4 ringing. As long as the phone was ringing, everything was
5 pretty typically good. Otherwise, they would cut the phones
6 off. But they were pretty much always good.

7 Q. So, basically, when they said, we want to do a buy
8 today, you had to make sure that everyone was always good so
9 that you could say to them, yes, it's a go?

10 A. That or they would have me actually come in and do
11 the call and the check right there.

12 Q. Now, you never did determine how much that you were
13 willing to buy? They determined that, didn't they?

14 A. They had asked me in the beginning around what was
15 normal for me to buy. So that way, it wouldn't be off. But
16 the amounts was pretty much, yeah, it was their money and
17 they chose what to do.

18 Q. They provided you with government money too, didn't
19 they?

20 A. To purchase the heroin with, yes.

21 Q. And you were working with them so well that they
22 also paid off your debt, didn't they?

23 A. They paid the debt that was outstanding with them
24 so that we could continue to go through a purchase. If the
25 debt wouldn't have been taken care of, then it would have

1 been a cease. I wouldn't have been able to buy.

2 Q. Then within the middle of these controlled buys,
3 they had to pay you off another debt, \$120?

4 A. Yeah. Somebody -- it was a dealing with a
5 different individual. And we ended up coming into contact
6 with him, and he had threatened me. And I let them know
7 about it, so they took care of that as well.

8 Q. I'm sorry. Are you done?

9 A. Yeah. It's not like I brought the debt to their
10 attention so they would pay it off. It was never brought up
11 until my life was threatened.

12 Q. And this was probably a debt that was owed during
13 the time that you were using?

14 A. During the time I was using, yeah.

15 Q. And this was a debt that was created when they were
16 not -- when they did not have you under surveillance; isn't
17 that right?

18 A. Yeah, I don't even think I was working for them yet
19 when the debt was created.

20 Q. Okay. Now, the first time you tried to get in
21 touch with Mo, he didn't answer, did he, or the person
22 didn't answer, did he?

23 A. Which time?

24 Q. The first time.

25 A. What do you mean, the first time? The first time I

1 ever called him.

2 Q. Yes.

3 A. The first time I ever called him, he did answer. I
4 spoke to him.

5 Q. He hung up on you?

6 A. We got disconnected. I called -- he could have
7 hung up. I don't know. But when I called back, everything
8 worked out. So to think he hung up on me and then spoke to
9 me the second time around, I don't know.

10 Q. This was not under surveillance of law enforcement,
11 was it?

12 A. This was well before I had gotten in trouble.

13 Q. Who drives a blue Dodge Ram?

14 A. Many people do.

15 Q. Okay. What was the conflict that time that you
16 were over at Summer Creek and you were confronted about you
17 vouching for your brother?

18 A. I believe that was over in Fairlawn on Margaret.

19 Q. Margaret Drive. Okay.

20 A. Yeah. It was something about my brother had showed
21 up or called and went over to Q's house. And I guess it was
22 assumed or spoken that I had told him to go and that it was
23 okay for him to be over there.

24 Q. Why would he go over there?

25 A. He must have been trying to get something for him

1 or Amy. And Amy was actually hanging out with Q at the time
2 and had his number and whatnot. And why she didn't go
3 herself, I don't know. But she had arranged it for my
4 brother to go over there and use me as the excuse.

5 Q. Okay. At the time, didn't you say that he and Amy
6 were two peas in a pod?

7 A. Yeah. They were hanging out quite a bit at the
8 time.

9 Q. Do you still deal with a fellow by the name of
10 Bobby, who is a white male? No? Do you know who I'm
11 talking about?

12 A. I have a faint idea, but last Bobby I knew was a
13 Bobby Nusbaum (ph).

14 Q. What about Agent Mike, still deal with him?

15 A. No, I haven't seen him in a long time.

16 Q. Michael Curlin (ph)?

17 A. No, I don't hang out with him anymore.

18 Q. And one last thing, Shawana Adams, do you know her?
19 You don't know her?

20 A. Not by that name.

21 Q. A/k/a Sissy?

22 A. Yes, I know who that is. Yeah, Cici.

23 Q. Is it Sissy or Cici?

24 A. The way I pronounce it is just different than
25 you.

1 Q. Her name is Shawana Adams; is that right?

2 A. If that's what you are telling me, yes. I don't
3 know her government name. If you showed me a photo of her,
4 I can identify her for you.

5 Q. Is she a white female?

6 A. She is Hispanic, as far as I'm concerned, Latino.
7 She has a caramel complexion. What her ethnicity is, I'm
8 not sure.

9 Q. She's not Rosemarie, is she?

10 A. That's what I know her by is Rosemarie.

11 Q. Oh, well, let me show you a picture.

12 A. Okay. And I will let you know if it's the same
13 person.

14 Q. While I'm looking for her, do you also know a
15 Desmond Smith or Demond Smith?

16 A. Not by that name, no, ma'am.

17 MR. UNDERWOOD: Your Honor, may I approach?

18 (Whereupon, the following bench conference takes
19 place.):

20 MR. UNDERWOOD: My concern is before she can show
21 that to him to make any kind of identification, she needs to
22 get it marked as an exhibit.

23 THE COURT: She can use it demonstratively.

24 MR. UNDERWOOD: Can I have it at least marked?

25 THE COURT: She can mark it for ID, but she doesn't

1 have to introduce it. She can use it for demonstrative
2 purposes. Do you have good faith belief it's not her?

3 MR. UNDERWOOD: That's not, Your Honor.

4 THE COURT: I got you.

5 That's not the best picture. Yeah. All right.
6 Thank you.

7 (Whereupon, a bench conference ends.)

8 THE COURT: Proceed.

9 BY MS. JOHNS:

10 Q. Isn't it true that in the line of work you do now,
11 which is HVAC you said --

12 A. Yes.

13 Q. I'm sorry. I forgot you had a job. But your
14 lifestyle leads you to meet a lot of different people; isn't
15 that right?

16 A. Not as much as it did when I was working at Walmart
17 in management and dealing with the public on a regular basis
18 in masses.

19 Q. The lifestyle of being a heroin addict leads you to
20 know other people that you have to get to know, right?

21 A. Some, yes.

22 Q. They are not always truthful in who they say they
23 are, aren't they?

24 A. I don't think anybody is always truthful.

25 Q. So nicknames are a common thing among your culture?

1 A. Well, not my culture, necessarily, among certain
2 people. I don't have a nickname. There's lots of people
3 that don't have nicknames. I would say there are fewer
4 people with nicknames than there are that go by their
5 nicknames.

6 Q. You do have a nickname. It's Tommy.

7 A. That's a regular name. It's not a deceptive name.
8 It still refers to Thomas.

9 Q. So your name is Thomas?

10 A. Uh-huh.

11 Q. That's the birth name that you have; isn't that
12 right?

13 A. Uh-huh. Uh-huh.

14 Q. Your nickname is Tommy?

15 A. But it still identifies with my name. It's not
16 something that's completely suggestive of something else.

17 Q. Let me rephrase my question. You know a lot of
18 people with a lot of different nicknames, don't you? You
19 are the only one --

20 A. No, I know other people, yeah.

21 Q. And there's a lot of different nicknames out there?

22 A. Sure.

23 Q. And you happened to remember those nicknames that
24 you need to remember; isn't that right?

25 A. I try to remember everything to the best of my

1 ability.

2 Q. And it's important to remember what you need to
3 remember; isn't that right?

4 A. Yes.

5 Q. And it's very important for you to remember what
6 you need to remember in this case, isn't it?

7 A. It's important for me to -- everything is equally
8 important to remember for me.

9 Q. Today and yesterday, it's important for you to
10 remember people's names and nicknames, isn't it?

11 A. It's important to remember everything I can about
12 this case, yes, ma'am.

13 Q. Thank you. And the reason that that's important to
14 you is because you value your freedom, don't you?

15 A. That I need to do the right thing at this point,
16 yes. I need to remember what I can to get through what I'm
17 doing, yes, ma'am.

18 Q. And do the right thing, you say?

19 A. Yes, for what I need to do now, for me, the right
20 thing for me, the right thing for my girl, the right thing
21 to move on with my life.

22 Q. And the right thing for you to do for yourself,
23 right?

24 A. Uh-huh.

25 Q. And you also mentioned your girlfriend?

1 A. Uh-huh.

2 Q. You are doing the right thing for her too?

3 A. As far as I can see, yes, in my opinion.

4 Q. And did Dorchester County tell you that they
5 already dismissed her charge?

6 A. No, they didn't tell me that.

7 Q. They didn't?

8 A. No.

9 Q. She hasn't been having to show up for roll call,
10 has she?

11 A. No. I haven't had to show up for roll call.

12 Q. So you at least accomplished that for her, didn't
13 you?

14 A. I suppose I did, yes.

15 Q. And now you want to accomplish the same thing for
16 yourself, don't you?

17 A. Yeah. I was really hoping that it had already been
18 done, but --

19 Q. So you could avoid this confrontation, isn't that
20 right?

21 A. Absolutely. I think by human nature, you would
22 like to avoid confrontation, if possible.

23 Q. Your freedom is also contingent upon two things
24 that they told you. One is telling the truth, right?

25 A. Yes.

1 Q. And the other one is a conviction. You said that
2 on direct.

3 A. Under the initial agreement, yes, ma'am.

4 Q. So it's important for you that that happens, isn't
5 it?

6 A. They are kind of contradictory to one another.
7 You've got to tell the truth. And that's basically all I can
8 do is tell the truth. And if it happens, it happens.

9 Q. When you are telling the truth, it is your hope
10 that that leads to a conviction so you will be free?

11 A. Sure, yes.

12 MS. JOHNS: Okay. Thank you. Nothing further.

13 THE COURT: Any redirect?

14 MR. UNDERWOOD: Very briefly, Your Honor.

15 THE COURT: You may proceed.

16 REDIRECT EXAMINATION

17 BY MR. UNDERWOOD:

18 Q. Mr. Sekula, a moment ago, you were asked about the
19 importance of remembering things.

20 A. Uh-huh.

21 Q. Was it important for you to remember the nicknames
22 of Mo, Q, Keith and others that you've mentioned prior to
23 being involved with law enforcement?

24 A. Yeah, absolutely.

25 Q. Why?

1 A. I have to know what to call them.

2 Q. Why was it important to know who they were?

3 A. So I could deal with them and they would recognize
4 me and I can recognize me and keep up a good relationship.

5 Q. Why was that important to you?

6 A. Because I needed to buy heroin then.

7 Q. Earlier you mentioned something called a burner
8 phone?

9 A. Uh-huh.

10 Q. Explain what a burner phone is.

11 A. It's just a phone that's really not registered to
12 any one individual so that it can't come back to your
13 ownership. So that you can get away with or do things that
14 you won't be held accountable for.

15 Q. Are you aware if Mo or any of the boys had anything
16 referred to as a Ninja phone?

17 A. No, they didn't have anything like that.

18 Q. Are you aware of them ever using any kinds of app's
19 or other devices to disguise their phone numbers?

20 A. No.

21 Q. Did Mo or Q or any of the other boys ever use drugs
22 with or around you?

23 A. I've seen them smoke some pot before.

24 Q. Did any of them use heroin?

25 A. No.

1 Q. Mr. Sekula, has all the testimony that you've given
2 both yesterday and today been the truth?

3 A. Yes.

4 Q. Have you been told by anyone to say anything other
5 than the truth?

6 A. No, absolutely not, just actually encouraged 100
7 percent to tell the truth.

8 MR. UNDERWOOD: No further questions, Your Honor.

9 THE COURT: Sir, you are excused, subject to being
10 recalled.

11 Call your next witness.

12 MR. UNDERWOOD: Your Honor, the State calls William
13 Brown.

14 Your Honor, I've been informed the witness has gone
15 downstairs.

16 Your Honor, the State calls Detective Brandon
17 Allen.

18 BRANDON ALLEN,
19 having been duly sworn, testifies as follows:

20 THE COURT: State your full name for the record,
21 spelling your last name for the court reporter.

22 THE WITNESS: Yes, ma'am. Detective Sergeant
23 Brandon Allen, A-l-l-e-n.

24 THE COURT: You may proceed.

25 DIRECT EXAMINATION

1 BY MR. UNDERWOOD:

2 Q. Good morning, Sergeant Allen. If you would please
3 introduce yourself to the jury. Tell them what you do for a
4 living.

5 A. Yes, sir. I'm the sergeant in the Dorchester
6 County Summerville Metro Narcotics Unit. We facilitate all
7 mid-level to upper level narcotics distribution, trafficking
8 investigations for the entire county of Dorchester and the
9 parts of the town of Summerville that encompass Dorchester
10 County, Berkeley County and Charleston County.

11 Q. How long have you worked in law enforcement?

12 A. I've been in law enforcement going on almost 10
13 years.

14 Q. And how long of that time had you been working
15 narcotics investigation?

16 A. Going on five now.

17 Q. What is your current capacity within that division?

18 A. The current capacity is a mid-level supervisor for
19 detectives that are in the narcotics unit. And I also
20 investigate, as I've stated, distribution, trafficking level
21 cases within the jurisdictional line of Dorchester County
22 and Summerville.

23 Q. As an investigator in the narcotics division, what
24 type of activities do you do to carry on your
25 investigations?

1 A. We conduct anything from visual surveillance, mobil
2 surveillance, controlled purchases utilizing CIs, undercover
3 capacity, things of that nature.

4 Q. Very briefly, what exactly is a controlled
5 purchases? We've had some discussion, but very briefly,
6 what is that?

7 A. Controlled purchases can be a few things. We
8 either utilize a confidential informant where we outfit them
9 with some sort of audio/video equipment to monitor and
10 record the controlled purchases or, for example, myself, I
11 would go undercover as a person purchasing illegal
12 narcotics.

13 Q. Sergeant Allen, what capacity were you working in
14 starting in August of 2015 until February of 2016?

15 A. I was working in the undercover capacity.

16 Q. And as a result of that, were you involved in
17 operations involving this case that brings us here today?

18 A. Yes, sir, I was.

19 Q. What was your role in those operations?

20 A. I went undercover with the informant and,
21 basically, drove him to meet with the individuals that we
22 were dealing with in this investigation.

23 Q. Who was the informant you were using?

24 A. It was Tommy Sekula.

25 Q. If you would please tell the jury how each of those

1 operations, as a procedure, would take place.

2 A. As a procedure, we pick up the confidential
3 informant or meet with him at an undisclosed location.
4 Every time they are searched, strip searched. Their
5 vehicle, if they are utilizing a vehicle, is searched. In
6 this case, we were using our vehicle, so that wasn't
7 necessary. The informant is, as I stated, strip searched.
8 He is then outfitted with some sort of audio/video recording
9 device, whatever equipment we are using for that controlled
10 purchase. And then he is placed in my responsibility and
11 care while the controlled purchases takes place.

12 Q. And in your responsibility and care, what exactly
13 does that mean?

14 A. He's basically my responsibility, under my control.
15 I'm responsible for anything and everything that that
16 employment does while I'm in the undercover capacity and
17 he's with me. I'm basically a secondary handler of the
18 informant.

19 Q. Does that mean you were in close contact with him
20 during that time?

21 A. Yes, we were side-by-side pretty much during all
22 the controlled buys.

23 Q. Sergeant Allen, in your experience working as a
24 narcotics investigator, did you ever opportunity to observe
25 and interact with people who are under the influence of

1 heroin and other drugs?

2 A. Yes, sir, I have.

3 Q. Are you familiar with how people behave and appear
4 when they are high on heroin?

5 A. Yes, sir.

6 Q. During any of the operations utilizing Tommy
7 Sekula, did he appear to you to be under the influence of
8 heroin or any other drugs?

9 A. Not while we were conducting our controlled
10 purchases, no. He was coherent. He was awake, things of
11 that nature.

12 Q. As to these operations, did you play, essentially,
13 the same role or different role in the various controlled
14 buys?

15 A. I essentially played the same role the whole time.
16 We try to keep things as normal as possible to alleviate any
17 sort of change, anything like that, that could cause is
18 suspicion. So I played the undercover role the whole
19 operation.

20 Q. Walk the jury how your role in those transactions
21 took place.

22 A. Once Mr. Sekula met with his handler, Detective
23 Lundberg, I was present, obviously. They connected their
24 searches, their outfitting of the equipment. And then I
25 used one of our undercover vehicles to drive. Tommy and I

1 would get in the vehicle. After the phone calls and,
2 basically, the buy was set up, and we would drive to that
3 location, whatever location it was for that specific buy.
4 Tommy would then -- I pull up in front of whatever
5 residence. Tommy would get out of the vehicle and conduct
6 the transaction. He would come to me in the vehicle. I
7 would then immediately take control of the heroin that was
8 purchased for that buy. And then Tommy and I would drive
9 back to an undisclosed location where Tommy would then be
10 released to Detective Lundberg as his primary handler.

11 Q. Once you were given the drug evidence from Tommy
12 Sekula, what did you do with it?

13 A. I processed the evidence. It keeps the chain of
14 custody pure. That way, it's just Tommy giving me the
15 drugs. I'm taking the drugs, submitting them into evidence
16 to SLED for analysis and, obviously, future court
17 proceedings.

18 Q. How would that submission process take place?

19 A. I would take it back to my office. We have an
20 evidence section in the office where we process, field test,
21 package, photograph, and then submit the evidence.

22 Q. How do you package the evidence?

23 A. SLED provides -- internally, we have a system where
24 we heat seal the purchased heroin in this case. We date it.
25 We signature it. We sign it, initial it as the person

1 that's actually conducting the packagings. We then, in
2 turn, SLED provides what's called a BEST kit. It's
3 basically a plastic bag in an envelope that's sealed. And
4 once it's sealed, it can't be tampered with. If it is
5 tampered with, it shows signs of anybody cutting any
6 packagings, anything like that. It is then, in turn,
7 submitted to our evidence technician, who are responsible
8 for getting it to SLED.

9 Q. Are you familiar with the process of what happens
10 after that, where the drugs go or what happens to them?

11 A. Once the evidence technicians drop, in this case,
12 heroin off to SLED, from my understanding, an analysis take
13 place for its purity and quantity, things of that nature.

14 Q. In your capacity as a narcotics investigator, have
15 you had the opportunity to see what their chain of custody
16 forms like that, lab forms look like that?

17 A. Yes.

18 Q. So you are familiar with all of the forms?

19 A. Yes.

20 MR. UNDERWOOD: Permission to approach the witness,
21 Your Honor.

22 Q. Sergeant Allen, bear with me, please, sir. I'm
23 going to show you a number of documents. If you can briefly
24 review them. And then I will ask you a number of questions.
25 All of them, please. In general, can you describe the

1 nature of the documents you were just reviewing?

2 A. The documents are the SLED documents that show the
3 chain of custody between Agent Wingo, myself as to Agent
4 Wingo or the Dorchester County Sheriff's Office to Agent
5 Wingo to SLED to -- basically, forensic technicians who
6 conducted their analysis of the heroin.

7 Q. And in that stack of documentation, are there also
8 reports from the analysis that were conducted?

9 A. Correct, yes, sir.

10 Q. Just to be clear, Sergeant Allen, you mentioned
11 earlier that when you would receive the drug evidence from
12 the confidential informant, Mr. Sekula, you would then give
13 it directly to SLED. Does that mean that your evidence
14 technicians at Dorchester County or to Agent Wingo, or is
15 there a combination of the two?

16 A. It was a combination of the two -- well,
17 specifically for Agent Wingo's involvement, Agent Wingo
18 specifically took control of it at that point into SLED.

19 Q. And would those documents reflect the items
20 submitted by Special Agent Wingo?

21 A. Correct.

22 MR. UNDERWOOD: Your Honor, at this time, I believe
23 without objection from the opposing counsel, I would seek to
24 enter into evidence State's Exhibits 126 through 133 and
25 Exhibits 141 through 165.

1 THE COURT: Any objection?

2 MR. GRIFFITH: No objection, Your Honor.

3 MS. JOHNS: None.

4 THE COURT: Marked and admitted without objection.

5 (State's Exh. 126, SLED Analysis L15-12537, was
6 received in evidence.)

7 (State's Exh. 127, SLED Analysis L16-00782, was
8 received in evidence.)

9 (State's Exh. 128, SLED Analysis L16-00965, was
10 received in evidence.)

11 (State's Exh. 129, SLED Analysis L16-01604, was
12 received in evidence.)

13 (State's Exh. 130, Lab Report L15-12537, was
14 received in evidence.)

15 (State's Exh. 131, Lab Report L16-00782, was
16 received in evidence.)

17 (State's Exh. 132, Lab Report L16-00965, was
18 received in evidence.)

19 (State's Exh. 133, Lab Report L16-01604, was
20 received in evidence.)

21 (State's Exh. 141, Lab Report L16-01873, was
22 received in evidence.)

23 (State's Exh. 142, Lab Report L15-13834, was
24 received in evidence.)

25 (State's Exh. 143, Lab Report L16-01822, was

1 received in evidence.)

2 (State's Exh. 144, Lab Report L16-01825, was
3 received in evidence.)

4 (State's Exh. 145, Lab Report L16-01822, was
5 received in evidence.)

6 (State's Exh. 146, Lab Report L16-01825, was
7 received in evidence.)

8 (State's Exh. 147, Lab Report L16-01822, was
9 received in evidence.)

10 (State's Exh. 148, Lab Report L16-01874, was
11 received in evidence.)

12 (State's Exh. 149, Lab Report L15-10914, was
13 received in evidence.)

14 (State's Exh. 150, Lab Report L15-13649, was
15 received in evidence.)

16 (State's Exh. 151, Lab Report L15-13649, was
17 received in evidence.)

18 (State's Exh. 152, Lab Report L16-01640, was
19 received in evidence.)

20 (State's Exh. 153, Chain of Custody L16-01640,
21 was received in evidence.)

22 (State's Exh. 154, Lab Report L16-01873, was
23 received in evidence.)

24 (State's Exh. 155, Lab Report L16-01874, was
25 received in evidence.)

1 (State's Exh. 156, Chain of Custody L16-01821,
2 was received in evidence.)

3 (State's Exh. 157, Chain of Custody L16-01820,
4 was received in evidence.)

5 (State's Exh. 158, Chain of Custody L16-01819,
6 was received in evidence.)

7 (State's Exh. 159, Chain of Custody L16-01817,
8 was received in evidence.)

9 (State's Exh. 160, Lab Report L16-01817, was
10 received in evidence.)

11 (State's Exh. 161, Lab Report L16-01819, was
12 received in evidence.)

13 (State's Exh. 162, Lab Report L16-01820, was
14 received in evidence.)

15 (State's Exh. 163, Lab Report L16-01821, was
16 received in evidence.)

17 (State's Exh. 164, Lab Report L15-13080, was
18 received in evidence.)

19 (State's Exh. 165, Lab Report L15-10914, was
20 received in evidence.)

21 BY MR. UNDERWOOD:

22 Q. Sergeant Allen, during the controlled purchases
23 that were conducted into this group, how close were you to
24 the proximity of the sales?

25 A. Close distance, usually at the front of the house,

1 somewhere close by.

2 Q. What locations did you drive the confidential
3 informant to?

4 A. We drove to numerous locations, McDonald's
5 Restaurant on College Park Road, a trailer park off of
6 College Park Road, neighborhood in Dorchester County called
7 Jamison Terrace, a couple different locations.

8 Q. Do you remember the address of any of those
9 locations?

10 A. Not off the top of my head, no.

11 Q. During any of the transactions, were you ever in a
12 position to observe the people that were bringing the drugs
13 to Tommy Sekula?

14 A. Yes, sir.

15 Q. How many times?

16 A. At least on one occasion.

17 Q. On that occasion, who were you able to observe?

18 A. The defendant present today.

19 Q. And who is that?

20 A. Mr. Hunter.

21 (Whereupon, the court reporter asked for
22 clarification.)

23 A. I'm sorry. What was the question?

24 Q. Which defendant or defendants were you able to
25 observe bringing drugs to Thomas Sekula?

1 A. Oh, specifically the defendant present today,
2 Mr. Roberts. Excuse me.

3 Q. Were you ever able to observe Mr. Hunter?

4 A. Yes.

5 Q. When were you able to observe Mr. Hunter?

6 A. The McDonald's on College Park Road.

7 Q. And do you recall which transaction that was?

8 A. It was -- I don't recall which one specifically it
9 was. We did so many.

10 Q. Do you recall what time of day it was?

11 A. It was still daylight hours in the afternoon.

12 Q. Explain to the jury what you observed and your
13 position that you were able to see him?

14 A. Which one specifically?

15 Q. The one where you saw Mr. Hunter.

16 A. Mr. Hunter? Mr. Sekula, the informant, got out of
17 the vehicle. And how this specific transaction took place,
18 he would get into Mr. Hunter's vehicle. At that time,
19 obviously, surveillance was being conducted. I'm still
20 paying attention to what's going on, things of that nature.
21 And I was able to identify Mr. Hunter as the driver of the
22 vehicle.

23 Q. How far away were you?

24 A. Maybe 30, 40 yards, give or take. It was in a
25 parking lot, small parking lot.

1 Q. Where were you? Were you outside?

2 A. No. Excuse me. I was sitting in the undercover
3 vehicle.

4 Q. Was there anything obstructing your view?

5 A. Not on that specific time, no, sir.

6 Q. How long did you have an opportunity to observe the
7 person driving the car?

8 A. The transactions take a few minutes. There's some
9 casual conversation that takes place between the informant
10 and the person delivering the narcotics. So, you know,
11 three, four, five minutes sometimes.

12 Q. And that particular instance you were able to see
13 Mr. Hunter, was there anything that was distracting your
14 attention away from observing the driver of the vehicle and
15 Tommy Sekula?

16 A. No, sir.

17 Q. Is that because, as you stated earlier --

18 MS. JOHNS: Objection, Your Honor.

19 THE COURT: Basis?

20 MS. JOHNS: Leading.

21 THE COURT: Sustained. Leading. Rephrase.

22 BY MR. UNDERWOOD:

23 Q. Why was your attention undivided?

24 A. That's my primary function at that point, is the
25 responsibility of the informant. And it's also a safety

1 thing for me.

2 Q. In what way is it a safety concern?

3 A. Any time you have drug traffickers, through my
4 training and experience, weapons are involved, things of
5 that nature. There's a lot of things that can take place.
6 Robberies can happen, things like that. So safety is
7 paramount.

8 Q. The defendant, Mr. Hunter, have you been present
9 during court proceedings prior to this trial?

10 A. Yes.

11 Q. Were you ever able to observe Mr. Hunter at that
12 time?

13 A. Yes.

14 Q. The individual, the defendant Justin Hunter, how
15 does the person you saw in court compare to the person you
16 saw driving that vehicle during the transaction?

17 A. I'm not sure I understand the question. His
18 appearance?

19 Q. Yes. Was it the same person?

20 A. Yes, it was.

21 MS. JOHNS: Your Honor, I would object. Again,
22 leading.

23 THE COURT: Sustained. Leading. No speaking
24 objections. Rephrase.

25 BY MR. UNDERWOOD:

1 Q. Can you compare the person that you saw driving the
2 vehicle and the person that you saw in court, the defendant,
3 Justin Hunter?

4 A. Yes, sir.

5 Q. Please make that comparison.

6 A. Black male, dreads, things of that nature. He's
7 identifiable that way.

8 Q. Were you able to make what you would call a
9 positive identification?

10 A. Yes, sir.

11 Q. How sure are you of that identification?

12 A. 90 to 100 percent sure.

13 Q. Sergeant Allen, I'm going to show you this.

14 MR. UNDERWOOD: Permission to publish State's
15 Exhibit No. 42.

16 THE COURT: You may proceed.

17 BY MR. UNDERWOOD:

18 Q. Do you recognize this individual?

19 A. Yes.

20 Q. Who is that?

21 A. Mr. Hunter.

22 Q. Thank you. Is that the same individual that you
23 saw selling drugs to Tommy Sekula?

24 A. Yes.

25 MS. JOHNS: Your Honor, objection. Leading.

1 THE COURT: Sustained. Leading. Rephrase.

2 BY MR. UNDERWOOD:

3 Q. What have you personally observed Justin Hunter do?

4 A. Sell Tommy Sekula heroin.

5 Q. Where did that take place?

6 A. Specifically, this incident we are talking about is
7 the McDonald's on College Park Road and I-26.

8 Q. What county is that in?

9 A. It's in Berkeley County.

10 Q. Have you ever transported Tommy Sekula to other
11 locations to purchase heroin from Justin Hunter?

12 A. Yes, sir.

13 Q. Where were those?

14 A. There was a road just past the specific McDonald's
15 we are speaking of. I believe it was Arno Drive. I think
16 that's how it's pronounced.

17 Q. Tell the jury what happened in that transaction.

18 A. It's a one-way-in/one-way-out kind of neighborhood.
19 We would drive in. I would park. Tommy would get out of
20 the vehicle and walk to that location and conduct the
21 purchase. He would then walk back to me, get in the vehicle
22 and then we would drive back to an undisclosed location.

23 Q. Can you provide a little more detail as to exactly
24 what you saw the confidential informant do?

25 A. In that specific situation, I was required to maybe

1 park a little further away. I was able to see Tommy walk to
2 the residence. Unfortunately, given the neighborhood and
3 given the one-way-in/one-way-out situation, I had to go a
4 little further back. I would see Tommy walk to the house.
5 He would stay inside the residence for a few minutes,
6 conduct his purchase. And then he would physically walk
7 back to me. I could see him walking.

8 Q. Were you able to observe the confidential informant
9 the entire time walking to and from the residence?

10 A. Correct.

11 Q. During that time, did you ever see Mr. Sekula pick
12 anything up?

13 A. No.

14 Q. Did he have interactions with anyone else?

15 A. Not except for who he was meeting with.

16 Q. Was there another location that you drove
17 Mr. Sekula to for a controlled purchase from Justin
18 Hunter?

19 A. I think it would have been the residence in the
20 mobile home off of College Park, I believe.

21 Q. Were there any transactions with Mr. Hunter that
22 took place at a store other than the McDonald's?

23 A. Sunoco gas station would have been one.

24 Q. Have you ever had any -- let me rephrase that.
25 Were there ever any occasions that you took Mr. Sekula to

1 purchase heroin from the defendant Emory Roberts?

2 A. Yes.

3 MS. JOHNS: Your Honor --

4 THE COURT: Basis?

5 MS. JOHNS: Leading.

6 THE COURT: Sustained. Leading. Rephrase.

7 BY MR. UNDERWOOD:

8 Q. What operations did you conduct with Tommy Sekula
9 regarding Emory Roberts?

10 A. We purchased heroin from Mr. Roberts.

11 Q. At what location or locations did that take place?

12 A. The trailer park off of College Park Road, I don't
13 recall the name of it off the top of my head; the Sunoco gas
14 station, I believe, and that's the ones I recall right now.

15 Q. Were there any other -- how many different trailers
16 did you go to?

17 A. Just one specific one.

18 Q. Could you describe the appearance of that
19 trailer?

20 A. It's a single-wide standard mobile home, set
21 perpendicular to the road, kind of off-ish-white-ish, tan
22 color maybe.

23 Q. Did you ever go to another trailer?

24 MS. JOHNS: Your Honor, I'm going to object to that
25 as leading again.

1 THE COURT: Leading. No editorial comments. The
2 objection is sustained. Leading. State your objection and
3 I will rule on it. Rephrase.

4 BY MR. UNDERWOOD:

5 Q. Did you take the -- do you recall how many
6 different controlled purchases you conducted with Tommy
7 Sekula?

8 A. Prior to SLED's involvement or during SLED's
9 involvement?

10 Q. Both.

11 A. Somewhere in the ballpark of 14 or 15 total.

12 Q. Do you have any notes with you right now today?

13 A. Not currently, but they are present in the lobby
14 there.

15 Q. Do you clearly recall each and every single
16 transaction?

17 A. No, I do not.

18 Q. Were you ever in a position to observe the
19 defendant Emory Roberts?

20 A. Yes.

21 Q. Please tell the jury how that occurred.

22 A. The specific purchase I'm speaking of is the
23 trailer park off of College Park Road in Berkeley County.
24 Myself and Tommy drove to this trailer park, parked in front
25 of the mobile home. It was nighttime. Tommy exited the

1 vehicle, walked up to the door, knocked on the door.
2 Mr. Roberts opened the door. And the back lighting from the
3 trailer made him visible to me. At that point, Tommy went
4 inside, conducted his purchase, and then came back out to
5 the vehicle. That's how I was able to see Mr. Roberts.

6 Q. And approximately how far away were you?

7 A. Not even 10, 15 yards. I was basically parked in
8 front on the street in front of the residence.

9 Q. The individual that you saw in that doorway, is he
10 in the courtroom today?

11 A. Yes, sir. He's sitting right there.

12 Q. If you could please describe what he's wearing.

13 A. The gentleman in the blue shirt sitting at the
14 table to the left of his attorney.

15 MR. UNDERWOOD: I would ask for the record to
16 reflect he's identified the defendant Emory Roberts.

17 THE COURT: Proceed.

18 MR. UNDERWOOD: Court's indulgence, Your Honor.

19 THE COURT: Yes, sir.

20 BY MR. UNDERWOOD:

21 Q. Sergeant Allen, were Justin Hunter and Emory
22 Roberts the only individuals that you took Tommy Sekula to
23 purchase heroin from?

24 A. No.

25 Q. Do you recall how many other individuals were

1 involved?

2 A. Two to three, more possibly.

3 Q. Did you ever take -- were there any other drugs
4 involved other than heroin into these controlled purchases?

5 A. No, sir.

6 Q. Were the individuals we've been speaking of thus
7 far male or female?

8 A. Both.

9 Q. Do you recall any transactions with a female?

10 MS. JOHNS: Your Honor --

11 THE COURT: Basis?

12 MS. JOHNS: I would withdraw.

13 THE COURT: Objection is withdrawn. You may
14 proceed.

15 BY MR. UNDERWOOD:

16 Q. Do you recall any particular transactions with any
17 females?

18 A. There were, but I wasn't involved in them.

19 Q. Sergeant, just to be clear, the procedure of the
20 controlled purchases, did you use that same procedure every
21 time?

22 A. Yes, sir, we used it every time. There's no
23 changes.

24 Q. And, to your knowledge, has all of the suspected
25 drug evidence that you collected been turned over and

1 tested?

2 A. Yes, sir.

3 Q. And is that reflected in the lab reports and chain
4 of custody documents that were admitted earlier?

5 A. Yes, sir.

6 MR. UNDERWOOD: Please answer any questions the
7 defense has.

8 THE COURT: Mr. Griffith, you may proceed.

9 MR. GRIFFITH: May it please the Court.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. GRIFFITH:

13 Q. Detective Allen, were you involved in installing
14 the video equipment that your CI used onto the CI?

15 A. No, sir. That would have been the primary
16 handler's responsibility, Detective Lundberg.

17 Q. Were you ever the only one there, basically, with
18 the CI when you dropped him off with other people?

19 A. Correct.

20 Q. So who installed it?

21 A. Detective Lundberg would install it and I would
22 turn it on once we got close.

23 Q. Did you ever view any of those videos?

24 A. Specifically, no, sir.

25 Q. So you really didn't have any idea at all what was

1 in these videos?

2 A. It wasn't my primary responsibility. Like I said,
3 that was Detective Lundberg's responsibility.

4 Q. And you never actually saw any drugs change hands;
5 is that correct?

6 A. No, sir.

7 Q. So you depended only on what your CI, Tommy, told
8 you happened inside those dwellings; is that correct?

9 A. We relied on the informant's information and also
10 the audio and video evidence that was obtained through the
11 equipment that was placed on the informant.

12 Q. So you or the other members of your team or
13 anything like that were never actually with Tommy all the
14 time between the buys; is that correct?

15 A. Can you specify "between the buys"?

16 Q. He was not under surveillance constantly during
17 this period of time he was working for you, was he?

18 A. He was under surveillance any time we were
19 conducting controlled purchases. Is that what you mean?

20 Q. No. I mean between controlled purchases.

21 A. In his own personal life?

22 Q. In his own personal life.

23 A. No, sir. He was not under constant surveillance.

24 Q. Mr. Sekula testified that he was using during that
25 time. You just testified that, as far as you know, he never

1 appeared -- that is, he appeared sober; is that correct?

2 A. When he was with me, he did not appear to be under
3 the influence, no, sir.

4 Q. Have you ever been around a heroin user who is
5 coming down off of heroin?

6 A. Yes, sir.

7 Q. They appear to be pretty sick, don't they?

8 A. Yes. Yes, sir, they are.

9 Q. They appear to be hurting, don't they?

10 A. Yes, sir.

11 Q. You never saw that he was hurting, did you?

12 A. Not when he was working with us.

13 Q. So would it be -- he testified he was using. So
14 would it be safe to assume then that he was high while he
15 was with you?

16 A. I can't make that assumption, no, sir.

17 Q. But a person who was coming down would be sick,
18 wouldn't they?

19 A. That is the appearance that a heroin user would
20 have, yes, sir.

21 Q. So you never actually saw any drugs change hands,
22 did you?

23 A. No, sir.

24 Q. You never saw Mr. Roberts with drugs or hand drugs
25 to anybody, did you?

1 A. No, sir.

2 Q. You were parked at the end of the street at one
3 point you mentioned, and you saw Mr. Sekula walk down the
4 street to a house. You saw him get to the house; is that
5 correct?

6 A. On that specific buy, yes, sir.

7 Q. Several of the videos, he seems to walk the same
8 street. Were you present when he walked -- you said that
9 you had to park way down at the end of a cul-de-sac kind of
10 because there was just one way in and one way out?

11 A. Yes.

12 Q. How far would you say that was from the house?

13 A. Block or two maybe.

14 Q. So pretty long way. And you were in a vehicle; is
15 that correct?

16 A. Correct, yes, sir.

17 Q. So as far as seeing anyone come to the door or
18 anything like that, that would be pretty tough, wouldn't it?

19 A. On that specific controlled purchase, yes, sir.

20 Q. And on the purchase where you said you saw
21 Mr. Roberts come to the door, you didn't see him hand any
22 drugs to Mr. Tommy, did you, at that time?

23 A. No, sir, not on that specific one.

24 Q. But you never saw him hand drugs to him ever?

25 A. No.

1 Q. All you saw was he let, according to your
2 testimony, Tommy into the house, correct?

3 A. He opened the door, yes, sir.

4 Q. When you were testifying, you identified the person
5 sitting there as Mr. Hunter when you first looked at him?

6 A. Yes.

7 Q. You are not really sure what these guys looked
8 like, are you?

9 A. I misspoke. Yes, sir.

10 Q. In the picture that Mr. Underwood showed, that
11 gentleman did not have dreads, that is, that we could see?

12 A. In the passport photo?

13 Q. Yes.

14 A. Yes, sir.

15 Q. You described Mr. Hunter as having dreads?

16 A. I've seen pictures of him with dreads. I've never
17 seen that passport photo before.

18 Q. You also testified that you could not remember
19 every single transaction; is that correct?

20 A. Yes, sir. It's almost two years ago, three years
21 ago. We've done quite a few.

22 Q. Pretty interesting that Tommy can remember every
23 transaction. How do you suppose that might be?

24 A. They aren't the only guys I buy drugs from.

25 MR. GRIFFITH: That's all the questions I have.

1 Please answer any questions Ms. Johns may have.

2 THE COURT: Ms. Johns, any questions?

3 MS. JOHNS: Yes, Your Honor.

4 CROSS-EXAMINATION

5 BY MS. JOHNS:

6 Q. Is it Sergeant Adams?

7 A. Allen.

8 Q. Sorry, Sergeant Allen. When did you get involved
9 with Tommy Sekula?

10 A. When, ma'am?

11 Q. Yes.

12 A. At the beginning of this operation.

13 Q. At the beginning of this operation?

14 A. Yes, ma'am.

15 Q. Does that involve whenever you had a CI following
16 him?

17 A. That wasn't my investigation, no, ma'am.

18 Q. So were you involved in the interview of Tommy at
19 the very beginning of this operation?

20 A. I was involved with numerous interviews, yes,
21 ma'am.

22 Q. Do you remember when the beginning of this
23 operation occurred?

24 A. No, ma'am.

25 Q. Do you remember interviewing Tommy at any time?

1 A. I remember sitting down with Detective Lundberg
2 while he conducted the interview, yes, ma'am.

3 Q. At that time, did you have Tommy enter into an
4 agreement to cooperate?

5 A. Detective Lundberg did, yes, ma'am.

6 Q. And you were present?

7 A. I was just there as a secondary detective, yes,
8 ma'am.

9 Q. But you witnessed this agreement, did you not?

10 A. Correct.

11 Q. And during this time, were you not aware that Tommy
12 had agreed not to commit other crimes?

13 A. Yes, ma'am, that's part of our agreement.

14 Q. And were you aware of distributions that Tommy
15 himself had made earlier that summer?

16 A. I believe that's how Detective Lundberg became
17 involved with Tommy, yes, ma'am.

18 Q. And did you work any of those cases with Detective
19 Lundberg?

20 A. I was present, but not in the capacity of -- I was
21 just a surveillance detective for that portion.

22 Q. Okay. So the portion where Tommy was dealing
23 drugs, you were just being used as a surveillance officer?

24 A. Yes, ma'am, correct.

25 Q. So you were working with this particular group

1 against Tommy, right?

2 A. Yes, ma'am. Our whole unit works together.

3 Q. All right. Do you know what a SLED drug analysis
4 request is?

5 A. Is it the form that is submitted to SLED for the
6 analysis of the drugs purchased?

7 Q. Yes. It's basically asking SLED to conduct some
8 sort of lab analysis on drugs.

9 A. Okay.

10 Q. Would it surprise you to find there was a request
11 done by your agency where it had Tommy Sekula's name
12 submitted on it during the mix of operation, this operation?

13 A. I am not aware of it, no, ma'am.

14 MS. JOHNS: I have nothing further. Thank you.

15 THE COURT: Any redirect?

16 REDIRECT EXAMINATION

17 BY MR. UNDERWOOD:

18 Q. Sergeant Allen, who was the primary agent for
19 Dorchester County involved in this investigation?

20 A. It was Detective Lundberg.

21 Q. Again, what was your role?

22 A. The undercover detective.

23 Q. What is your primary purpose as the undercover?

24 MS. JOHNS: Your Honor, I'm going to object.

25 THE COURT: Overruled. Let's stay within the scope

1 of cross.

2 BY MR. UNDERWOOD:

3 Q. What was your purpose as the undercover officer?

4 A. My purpose was to drive Tommy and keep control of
5 Tommy during the controlled purchases that were conducted
6 during this operation.

7 Q. Have you reviewed each and every video that was
8 taken from these operations?

9 A. I've seen some of them, but Detective Lundberg's
10 responsibility was to review.

11 Q. At any time while you were observing Mr. Sekula
12 during the controlled purchases, during any of them, did you
13 observe him pick up anything from anywhere while in your
14 vehicle?

15 A. No, sir.

16 Q. Did you observe him interacting with anyone and
17 taking something from someone?

18 A. Do you mean physically conduct a hand-to-hand
19 transaction?

20 Q. Yes.

21 A. No.

22 Q. At the time that Mr. Sekula left your undercover
23 vehicle, did he have any illegal drugs on his person?

24 A. No, he did not. And that's why we strip search
25 people. So we can say they did not have anything illegal on

1 them when they were with us, when they left us. And then
2 when they come back to us, obviously, they have the drugs.

3 Q. Were you able to observe him or was he under
4 observation the entire time from when he left the vehicle to
5 when he got to the place of the transaction?

6 A. Yes, he was.

7 Q. At the time he returned to the undercover vehicle
8 in each and every one of these transactions, did he have
9 illegal drugs?

10 A. Yes.

11 Q. What did he do with those drugs as soon as he got
12 to the vehicle?

13 A. He gave them to me.

14 Q. At the conclusion of each transaction, was
15 Mr. Sekula searched again?

16 A. He was searched again to ensure that he didn't have
17 any other drugs that we purchased on him.

18 Q. Was he ever found to be in possession of any of the
19 drugs?

20 A. No, Your Honor.

21 MR. GRIFFITH: Objection, Your Honor. These
22 questions are still leading.

23 THE COURT: He can rehabilitate the witness, but
24 stop leading. Sustained.

25 MR. UNDERWOOD: Nothing further, Your Honor.

1 THE COURT: Any objection to the witness being
2 excused, from the State?

3 MR. UNDERWOOD: None, Your Honor.

4 THE COURT: From the defense?

5 MS. JOHNS: None, Your Honor.

6 MR. GRIFFITH: None, Your Honor.

7 THE COURT: Sir, you are excused.

8 THE WITNESS: Thank you.

9 THE COURT: You're welcome.

10 Madam Forelady, ladies and gentlemen, we are going
11 to take advantage of this break in testimony to take a brief
12 restroom break. During the break, please do not discuss the
13 case and please leave your notepads in your seats.

14 (Whereupon, the jury leaves open court at 11:43
15 a.m.)

16 THE COURT: Who's the State's next witness?

17 MR. UNDERWOOD: William Brown, Your Honor.

18 THE COURT: Is he present?

19 MR. UNDERWOOD: He is, Your Honor.

20 THE COURT: We will be at ease for a few moments.

21 (Whereupon, recess transpired.)

22 THE COURT: The State ready to proceed? Is the
23 State ready to proceed?

24 MR. UNDERWOOD: Yes, Your Honor.

25 THE COURT: Is the defense ready to proceed?

1 MR. GRIFFITH: Yes, Your Honor.

2 MS. JOHNS: Yes, Your Honor.

3 (Whereupon, the jury returns to open court at 11:55
4 a.m.)

5 THE COURT: Call your next witness.

6 MR. UNDERWOOD: May it please the Court. Your
7 Honor, the State calls William Brown.

8 THE COURT: If you will come forward to be sworn.

9 WILLIAM BROWN,

10 having been duly sworn, testifies as follows:

11 THE CLERK: Spell your name for the court reporter
12 and state your name.

13 THE WITNESS: W-i-l-l --

14 THE COURT: You need to speak into the microphone
15 and state your full name.

16 THE WITNESS: State your name and spell my last
17 name?

18 THE COURT: Yes.

19 THE WITNESS: William Orlando Brown, IV,
20 B-r-o-w-n.

21 THE COURT: Thank you, sir.

22 You may proceed.

23 DIRECT EXAMINATION

24 BY MR. UNDERWOOD:

25 Q. Good morning, Mr. Brown. Mr. Brown, how old are

1 you?

2 A. 27 now.

3 Q. How far did you go in school?

4 A. I gradated with a GED from Denmark Technical
5 College back in -- Strayer University for my business
6 administration degree.

7 Q. Where are you from?

8 A. I'm from South Carolina, Charleston.

9 Q. Have you lived in the Lowcountry your whole life?

10 A. I moved around, so off and on from South Carolina
11 to Florida to New York to Georgia. So I moved around.

12 Q. Mr. Brown, are you a defendant in this case?

13 A. I'm trying to plead, you know, basically, say that
14 I'm innocent, if that's what you are trying to say.

15 Q. I will rephrase the question. Were you charged in
16 this case?

17 A. Yes.

18 Q. Have you entered into a plea agreement?

19 A. Yes.

20 Q. In your own words, explain your understanding of
21 that agreement.

22 A. That I have to testify to, you know, basically
23 clear my name and that I have to cooperate.

24 Q. Are you required to give truthful testimony?

25 A. Yes.

1 Q. What do you get in exchange for giving truthful
2 testimony?

3 A. Hopefully I'm praying I get probation.

4 Q. Ultimately, who determines your sentence?

5 A. The judge and the jury.

6 Q. You already pled guilty?

7 A. Yes.

8 Q. Did you plead to reduced charges?

9 A. Yes.

10 Q. Is that in exchange for your truthful cooperation?

11 A. Yes.

12 Q. Mr. Brown, do you know an individual called Q?

13 A. Yes.

14 Q. How did you meet him?

15 A. I met him through dogs.

16 Q. Explain for the jury, please.

17 A. Okay. I had a pit bull named Cocoa. And I was
18 walking her. And I met him because we was going to breed
19 the dogs together. And that's how I met him.

20 Q. Where were you living at the time?

21 A. I was living at 114 Louise Court in Fairlawn in
22 Ladson, South Carolina; that's where.

23 Q. Whose house was that?

24 A. That was my father's house.

25 Q. Did you ever move out of that house?

1 A. Yes.

2 Q. When?

3 A. I would say like in 2005, like in May, May in
4 2005 -- I mean, 2015. I had moved -- we had moved out
5 because, basically, my dad lost the house, so --

6 Q. That was in May of 2015?

7 A. Yes.

8 Q. Where were you staying after you moved out of the
9 house?

10 A. That's when Q, he had let me stay with him until I
11 got back on my feet, let me stay with him. I was staying
12 with Q.

13 Q. Where were you staying with Q?

14 A. I was staying at Margaret Street, [REDACTED] Margaret
15 Drive.

16 Q. Whose house was it, yours or his or someone else's?

17 A. By my understanding, it was his house. But, you
18 know ...

19 Q. What bills did you pay?

20 A. I paid no bills. What I had -- I paid no bills.

21 Q. What did you do? Were you living for free?

22 A. In return, I had to feed the dogs and clean up the
23 house and sometimes leave, if they handling business or
24 anything, leave.

25 Q. What kind of business?

1 A. If Mo pops up, comes over with anything dealing
2 with the drugs, I had to leave, because, you know --

3 Q. Let's go back just a little bit. Who is Mo?

4 A. Mo is basically, I would say, the big dog, the head
5 leader of all of it. And so that's Mo.

6 Q. When you say "all of it", all of what?

7 A. All of the drugs, all of the -- basically what we
8 here for today.

9 Q. How do you know that?

10 A. Observation and, you know, Q told me that Mo is the
11 big dog. He has it all. He's the one.

12 Q. Let's begin with your observations. What did you
13 see or hear or otherwise observe to make you think that?

14 A. What I seen was Mo, Mo would come, he would collect
15 the money, he would bring drugs and then he will leave.

16 Q. Were you present when that happened?

17 A. Sometimes and sometimes I wasn't.

18 (Whereupon, a cell phone goes off in the
19 courtroom.)

20 THE COURT: If that's a telephone, it needs to be
21 turned off. If not, it will be taken. Not silent, not
22 vibrate, off.

23 You may continue.

24 BY MR. UNDERWOOD:

25 Q. How often did that happen?

1 A. By my understanding, it happened like at least two
2 times a week.

3 Q. Did you ever have an opportunity to meet Mo?

4 A. Yes, I had an opportunity to meet him.

5 Q. Did you meet him?

6 A. Yeah, yeah. Yes, sir.

7 Q. Tell the jury how you met him.

8 A. I met him -- basically, I was coming back inside
9 the house. Mo popped up, and that's how I met him,
10 basically, because he was like, whose, basically, who was me
11 staying in the house. And, you know, I wasn't really
12 doing -- putting in or wasn't part of the team, so he asked.
13 And Q had vouched, saying that I was the person cleaning up
14 the house, feeding the dogs.

15 Q. You used the expression "part of the team", what do
16 you mean by that?

17 A. Basically where everything comes, comes from, where
18 everything going, who is getting percentages of the money,
19 who is -- like everything, you know, the whole ringleading,
20 basically everything.

21 Q. All right. Let's break that down a little bit when
22 you talk about everything. What kind of activity was
23 getting on that you are talking about?

24 A. Okay. Where the heroin was coming from, where the
25 coke is coming from, where the guns are going, where the

1 money is being stashed at, where the guns are being stashed,
2 where everything, that's everything.

3 Q. You mentioned heroin. Have you ever seen heroin
4 while you were at Q's house?

5 A. Yes.

6 Q. What were the circumstances at the beginning? What
7 were the circumstances that you would see heroin?

8 A. At the beginning, the circumstances was just I
9 opened the door, he serves them, and that's it.

10 Q. When you say "serves them", what do you mean?

11 A. When the clientele call his phone and they come to
12 the house, they pick up the drugs. That's when I would say
13 addicts or -- I don't know how you want me to say them, the
14 buyers, the users, comes to the house. I open the door and
15 they get served from him.

16 Q. Was there ever an exchange of money associated with
17 that?

18 A. Yes, they give him money. He gives them the drugs.

19 Q. What role did you play in that activity?

20 A. What role? I open the door.

21 Q. Did you ever serve people, as you say?

22 A. Later down the months, yes, I have, like around
23 late nights, when he's asleep, and I'm -- if I'm at the
24 house, then that's when I had to go open the door and I
25 serve them.

1 Q. And is this still at a house on Market Street we
2 are talking about?

3 A. Yes.

4 Q. Did you ever see where the drugs came from?

5 A. Where it came from, no.

6 Q. Did you ever see who brought the drugs?

7 A. One time, yes, and I seen Mo bring the drugs.

8 Q. How did that happen?

9 A. He pulled up, got out of the car, and he had the
10 bags. And then they did something with the bags. I left
11 and, you know --

12 Q. Explain what you mean by "they did something with
13 the bags".

14 A. How I got to explain it? Basically, when I got
15 back, the bags wasn't there. So, like, I don't know what
16 they did with it, but, you know, the bags was gone.

17 Q. Do you know what was in the bags?

18 A. No.

19 Q. Did anyone tell you what was in the bags?

20 A. No.

21 Q. Did Q ever tell you what was going on with that
22 organization?

23 MS. JOHNS: Your Honor, I'm going to object. And I
24 need to be heard, matter of law.

25 THE COURT: Approach.

1 (Whereupon, the following bench conference takes
2 place.):

3 MS. JOHNS: He's coming from --

4 THE COURT: She has every right. She can't
5 confront what somebody else said.

6 MR. UNDERWOOD: The statement of the co-defendant
7 in furtherance of conspiracy is considered the statement --

8 THE COURT: She has the ability to confront every
9 single person. Can't bring it in through somebody else. He
10 can't repeat what somebody else said unless it's her client,
11 then it's an admission against interest. He can say what he
12 said, implicate him, but not inculcate him. She has every
13 right to confront. Uh-huh.

14 (Whereupon, the bench conference ends.)

15 THE COURT: Rephrase.

16 BY MR. UNDERWOOD:

17 Q. What did Q tell you about his role and only his
18 role in this group?

19 A. Basically, he sells drugs. That's his role, that
20 he sells drugs, you know. And he basically just let me know
21 what everything goes for, from a half gram to the ball.

22 Q. What did he tell you about that?

23 A. The half gram goes for 65. The grams go for 125.
24 The ball goes for 300.

25 Q. Did he ever tell you any higher amounts of numbers?

1 A. No.

2 Q. Did you ever see anyone else at Q's house selling
3 drugs?

4 A. Other than Q, it was Chico, used to come over. It
5 was a couple more people, but it was a couple more people
6 that came.

7 Q. What did those people do?

8 A. Basically, the same thing, you know, like, they was
9 part of the team. And, you know, they was the ones always
10 sticking around, you know.

11 Q. How was this team organized?

12 A. To tell you the truth, I really don't know how it's
13 organized or how -- what -- you know, who gets what and what
14 percentage or anything. I just know that it was -- it's a
15 lot of them. And they get paid for selling drugs. Mo pays
16 them off.

17 Q. The other people you were talking about, have you
18 personally seen them selling drugs?

19 A. Personally seen them? Like couple of times,
20 because I never normally don't stick around. So a couple of
21 times I seen them sell it, but not often.

22 Q. What kind of drugs did you see them sell?

23 A. Heroin. That's -- yeah, that's about it, heroin.

24 Q. Earlier in your testimony, you mentioned coke.

25 What was that a reference to?

1 A. The coke, I don't know how they be getting the
2 coke. I just know that they have coke and, you know, some
3 sales come and they ask for coke and they want to buy coke
4 and they will have the coke and they will sell it.

5 Q. When you say coke, are you referring to cocaine?

6 A. Yes.

7 Q. How long did you live with Q?

8 A. I lived with him for six months.

9 Q. So when did you stop living with him?

10 A. December in 2015.

11 Q. During that six-month period, how many times did
12 you see people come to that house to buy drugs?

13 A. A lot. I mean, a lot. It's like 30 -- like 100,
14 like 200, you know, throughout the months. It's a lot.

15 Q. How many times in a day or a week?

16 A. In a week, we would at least have the same people
17 come at least 100 times within a week.

18 Q. At some point, did you begin to participate in the
19 drug deals?

20 A. Yes.

21 Q. When was that?

22 A. When Q asleep at night, and if he was gone and went
23 to the store to get something, or if he was doing something
24 else, then I have to.

25 Q. You have to what?

1 A. I have to serve, serve the customers.

2 Q. Who told you what to serve and how much?

3 A. Q did.

4 Q. Do you remember how long you had been living there
5 when you started serving people?

6 A. It took three months, three months in, with living
7 with him, to start serving people.

8 Q. What's the largest amount that you would serve to
9 people?

10 A. The largest amount would be a ball.

11 Q. What's a ball?

12 A. A ball is 3.5.

13 Q. 3.5 what?

14 A. Grams.

15 Q. Prior to you beginning to serve, had you already
16 seen people coming --

17 A. Yes, yes.

18 Q. -- by the house? Let me rephrase that. Was there
19 a limit as to how much you were allowed to sell anyone?

20 A. It wasn't a limit. It's whatever money they have,
21 basically, when they come to the house to buy, it's whatever
22 they have. And they have to hit the half a gram, gram, ball
23 price.

24 Q. Were you ever told to sell more than a ball?

25 A. No.

1 Q. Were you aware of any other drugs being sold by
2 this group?

3 A. Yes.

4 Q. What kind of drugs?

5 A. Like I said, coke. They sold sometimes meth. And
6 that's all I know.

7 Q. You mentioned someone named Chico.

8 A. Yes.

9 Q. What role did she play?

10 A. The same role as him, sell drugs, to my
11 understanding.

12 Q. Did you ever see her sell drugs?

13 A. Personally, no, unless, you know, like, if he was
14 doing something. And if he was doing something, then, yeah.
15 But like, personally, like off selling drugs by herself out
16 making moves and doing things, no.

17 Q. Did you ever see her sell drug at Q's house?

18 A. Yes.

19 Q. How many times?

20 A. Only seen like twice, two times.

21 Q. What kind of drugs did she sell there?

22 A. Heroin.

23 Q. Were there any other people ever present other than
24 Q or Chico during drug sales at the house?

25 A. Like, yes, there was some other people there.

1 Just, like, I don't remember their names. Like Chica, Mo,
2 Q. It was -- it's a big dude, you know, a big dude used to
3 be there, and he sometimes used to come, you know. But like
4 right now, off the top of my head, I can't remember his
5 name.

6 Q. What was his role?

7 A. Same thing, sell drugs.

8 Q. How often was Mo present when drugs were being
9 sold?

10 A. Very seldom. Like, he wasn't really often right
11 there.

12 Q. What role did he play at that time?

13 A. What role Mo played?

14 Q. Yes.

15 A. He's the head leader.

16 Q. Mr. Brown, do you use drugs?

17 A. I smoke weed.

18 Q. Have you ever used heroin?

19 A. No.

20 Q. To your knowledge, did Q ever use heroin?

21 A. No.

22 Q. Did Mo ever use heroin?

23 A. To my knowledge, no.

24 Q. Did you ever see any guns at Q's house?

25 A. Yes.

1 Q. How often would you see guns there?

2 A. It was guns always in the house. There was guns
3 always in the house.

4 Q. What kinds of guns?

5 A. Handguns, you had assault rifles, handguns and
6 assault rifles.

7 Q. Was it always the same handguns and assault
8 rifles?

9 A. Not always, no.

10 Q. Whose guns were they?

11 A. I don't know. I believe that they are his.

12 Q. "His" being?

13 A. Q's, Q's, Mo's, theirs.

14 Q. Where did the guns come from?

15 A. Sometimes they come from sales, and other times, I
16 don't know.

17 Q. What kinds of sales?

18 A. Sometimes the customers come trade guns for drugs.

19 Q. What did Q and Mo do with the guns?

20 A. I don't know.

21 Q. Where were the guns kept?

22 A. Other than the few I seen at the house, I don't
23 know.

24 Q. Were there more guns than what were at the house?

25 A. I believe so. You know what I mean? They are,

1 like, the guns that I seen sometimes rotate. And sometimes
2 the guns will leave and more guns will come, you know,
3 like -- I don't know.

4 MS. JOHNS: Your Honor, I'm going to object.

5 THE COURT: Basis?

6 MS. JOHNS: Lack of personal knowledge.

7 THE COURT: Please approach.

8 (Whereupon, the following bench conference takes
9 place.):

10 THE COURT: Why is it relevant? It's prior bad
11 acts unless you can tie it to the guns found on him. Move
12 on.

13 (Whereupon, the bench conference ends.)

14 THE COURT: Objection sustained.

15 BY MR. UNDERWOOD:

16 Q. Mr. Brown, after you moved -- you said earlier that
17 you moved to Florida?

18 A. Yes.

19 Q. When was that?

20 A. I moved from Florida, I would say, December 15th,
21 like, around December 15th, 2015.

22 Q. How long did you stay in Florida?

23 A. Only stayed a couple -- like a week.

24 Q. Why such a short time?

25 A. Because the female that I moved down there with,

1 basically, she kicked me out because, you know, some other
2 stuff, so I had to leave and come back home.

3 Q. When you came back home, where did you go?

4 A. I went to my grandmother's house.

5 Q. How long did you stay at your grandmother's
6 house?

7 A. I stayed at my grandmother's house for eight
8 months.

9 Q. After you came back to South Carolina from your
10 long visit to Florida, did you have any more contact with Q
11 or Mo?

12 A. Yes.

13 Q. Describe what kind of contacts you had with them?

14 A. I had contact because he had gave me a dog from a
15 litter --

16 Q. Who is "he"?

17 A. Q. Q gave me a dog from the litter. So I kept the
18 dog. And when I moved down to Florida, I had brought the
19 dog with me. And when I moved back to my grandmother's
20 house, my cousin Sharell already had a dog, and the dogs
21 wasn't getting along. So I had took the dog back over
22 there. And it was the same thing, if I come over, I've got
23 to feed the dog and take care of the dog. So my cousin was
24 like, I can keep the dog as long as I bring a cage back
25 home, you know, if I bring a cage to my grandmother's house.

1 And at the time I didn't have a job, so when I first moved
2 there, I didn't have a job, so I left the dog over there at
3 his house.

4 Q. At whose house?

5 A. Q's.

6 Q. How often did you go to Q's house because of your
7 dog?

8 A. I used to go over there, I would say, within a
9 week. I would be over there two, three times a week.

10 Q. At this time, where was Q living?

11 A. In College Park in a trailer.

12 Q. Do you remember the address of the trailer?

13 A. No.

14 Q. When did Q move from Margaret Street to the
15 trailer?

16 A. In that time that I left to go to Florida.

17 Q. So some time around -- is that sometime around
18 December?

19 A. I guess, like, when I left to go to Florida, when I
20 came back, there was already a new spot.

21 Q. Did you ever spend any time other than -- at that
22 trailer, other than taking care of your dogs?

23 A. No.

24 Q. Who did you see come to that trailer?

25 A. I've seen Tommy a couple times.

1 Q. Tommy who?

2 A. I don't know his last name. I just know Tommy a
3 couple of times, other than that, I never stay over there
4 long.

5 Q. Did you ever see drugs sold from that trailer?

6 A. Yes.

7 Q. By who?

8 A. By Q.

9 Q. Anyone else?

10 A. No.

11 Q. Did you ever see Mo at that trailer?

12 A. No.

13 Q. Did you ever sell drugs at that trailer?

14 A. Yes.

15 Q. How often?

16 A. Only sold the drugs there two or three times.

17 Q. Do you remember who you sold to?

18 A. No.

19 Q. How many times did you see Q sell drugs from that
20 trailer?

21 A. The time that I was there, only seen him serve,
22 like, two, three times before I left.

23 Q. Do you remember who he served?

24 A. No.

25 Q. Do you remember what kind of drugs he sold?

1 A. Heroin.

2 Q. Do you remember how much?

3 A. No.

4 Q. Did you ever see what Q did with the money he got
5 from the drug sales?

6 A. Gave it to Mo.

7 Q. Did you see him give it to Mo?

8 A. Personally, no.

9 Q. How do you know he gave it to Mo?

10 A. That was the routine, was after the drugs are gone,
11 Mo comes and gets the money and gives him more drugs.

12 Q. How do you know that's the routine?

13 A. Because when I stayed there in Margaret with him,
14 that was the routine. After all the drugs are gone, Mo
15 comes, gives them more drugs, and he gives him the money.

16 Q. How often have you seen Mo?

17 A. Not often.

18 Q. Had you seen him more than once?

19 A. Yes.

20 Q. Have you ever talked to him?

21 A. I talked to him a couple of times.

22 Q. Was there any discussion about --

23 A. Drugs, no.

24 Q. What did you talk about?

25 A. Basically, what I wanted to do with my life, and

1 him telling me basically getting my life straight and, you
2 know, go to school and live on.

3 Q. When you were at Q's trailer, not the house on
4 Margaret, about the trailer, did you ever see any guns at
5 the trailer?

6 A. Yes.

7 Q. What kinds of guns?

8 A. Handguns.

9 Q. Any other guns or how many guns?

10 A. All I seen is two.

11 Q. Do you know where Q kept the drugs?

12 A. No.

13 Q. How were you able to serve to people if you didn't
14 know where he kept the drugs?

15 A. When he had me serve them, it was already out, you
16 know, pretty -- because they would call him and he already
17 have it for them and he will let me know, if he's leaving,
18 to who is coming and how much money that they have and who
19 to give it to.

20 Q. Is that always how it worked?

21 A. When I did it, when I was there, yes.

22 Q. The person that you've referred to as Q, do you
23 know Q's real name?

24 A. Yes.

25 Q. What is it?

1 A. Emory Roberts.

2 Q. Is Q, Emory Roberts, in the courtroom today?

3 A. Yes.

4 Q. Could you point him out, please?

5 A. Right there.

6 Q. What's he wearing?

7 A. Blue.

8 MR. UNDERWOOD: Your Honor, ask the record reflect
9 he identified the defendant, Emory Roberts.

10 THE COURT: Proceed.

11 BY MR. UNDERWOOD:

12 Q. When was your first interaction with law
13 enforcement involving this case?

14 A. The day they kicked in the trailer.

15 Q. What happened?

16 A. They basically -- what happened, I went over to the
17 house. I brought some dog food. Right when I fed the dog,
18 I didn't get to clean the cage yet, but I fed the dog. Was
19 about to sit down, play the video game, and here comes the
20 flash van.

21 Q. Were you detained at that time?

22 A. No.

23 Q. Did you speak with any of the law enforcement
24 agents?

25 A. Yes.

1 Q. At some point, did you meet Special Agent Justin
2 Wingo?

3 A. Yes.

4 Q. At what time did you agree to cooperate with the
5 investigation?

6 A. Right then.

7 Q. What did you do to cooperate?

8 A. Gave them my phone.

9 Q. What else?

10 A. That day, I gave them my phone. And then they
11 contact me, I said, like, a couple of days later. And other
12 than that, I had to go to Columbia to testify. I had to
13 choose a lineup. And, yeah, that's what I had to do.

14 Q. You mentioned a lineup?

15 A. Yes.

16 Q. What kind of a lineup?

17 A. It was basically on a sheet of paper with their
18 pictures on it that I had to circle and put my initials by
19 to clues who was who. Who was Q? Who was Mo? Who was
20 Chica.

21 Q. Did law enforcement tell you which photographs to
22 pick?

23 A. No, no, sir.

24 Q. Was there any suggestion who to pick?

25 A. Say this again.

1 Q. What exactly did they tell you to do?

2 A. Pick who was Mo, who was Q, who was Chica.

3 Q. Did they use specific names to you in your
4 instructions?

5 A. No, just pick who is who.

6 Q. When they showed you those lineups, did you
7 recognize anyone in those lineups?

8 A. Yes.

9 Q. Did you recognize the person you know at Mo in any
10 of those lineups?

11 A. Yes.

12 Q. If you recognized him, what were you supposed to
13 do?

14 A. Circle and put my initials by.

15 MR. UNDERWOOD: Permission to approach the witness,
16 Your Honor.

17 THE COURT: Approach.

18 (Whereupon, a bench conference takes place off the
19 record.)

20 THE COURT: Proceed.

21 BY MR. UNDERWOOD:

22 Q. Mr. Brown, I'm showing you what's been marked as
23 State's Exhibit 167. Do you recognize that?

24 A. Yes.

25 Q. What is that?

1 A. A lineup with Mo and some other guys on it.

2 Q. Is this the same lineup that you were shown?

3 A. Yes.

4 Q. Did you recognize the person you called Mo when you
5 were shown that lineup?

6 A. Yes.

7 Q. Did you initial a photograph on that lineup?

8 A. Yes.

9 Q. Are those, in fact, your initials?

10 A. Yes.

11 Q. Is that -- are those initials dated?

12 A. Yes.

13 Q. Is that when that took place?

14 A. Yes.

15 MR. UNDERWOOD: Your Honor, at this time I would

16 move to enter State's Exhibit 167 into evidence.

17 THE COURT: Any objection?

18 MR. GRIFFITH: No objection.

19 THE COURT: Any objection?

20 MS. JOHNS: No, Your Honor.

21 THE COURT: Marked and admitted without objection.

22 (State's Exh. 167, Photographic Lineup, is
23 received in evidence.)

24 MR. UNDERWOOD: Permission to publish, Your Honor.

25 THE COURT: You may proceed.

1 BY MR. UNDERWOOD:

2 Q. Mr. Brown, is the individual that's circled the
3 person that you knew as Mo?

4 A. Yes.

5 Q. Do you know his real name?

6 A. Yes.

7 Q. What's his real name?

8 A. Justin.

9 Q. Justin, is that what you called him?

10 A. Yes.

11 MR. UNDERWOOD: Please answer any questions
12 opposing counsel may have.

13 THE COURT: You may proceed.

14 MR. GRIFFITH: If it please the Court, Your Honor.

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. GRIFFITH:

18 Q. Mr. Brown, what were your original charges in this
19 case?

20 A. A lot. It was bad. It was --

21 Q. Weren't you --

22 A. It was heroin with 28 grams, conspiracy.

23 Q. So you were charged originally with trafficking,
24 distribution of a controlled substance and conspiracy,
25 basically all the same charges that the defendants here with

1 us today are charged with; isn't that correct?

2 A. Yes.

3 Q. Law enforcement has at least given you the hope
4 that you will receive probation in exchange for your
5 testimony; is that correct?

6 A. Yes.

7 Q. You said that Mo brought over some bags. What
8 kinds of bags were those?

9 A. It was black duffel bags.

10 Q. Black duffel bags?

11 A. Yes.

12 Q. Did you ever look inside those bags?

13 A. No.

14 Q. So you really didn't know what was in those bags,
15 did you?

16 A. Right.

17 Q. Yet you testified it was drugs, but you really
18 don't know what was in those bags?

19 A. Right.

20 Q. Now, law enforcement, when you began to -- when you
21 were arrested, they talked to you about cooperating and
22 testifying, didn't they?

23 A. Right.

24 Q. And they talked to you about what they wanted you
25 to talk about, didn't they?

1 A. About the case.

2 Q. And they basically told you what they wanted you to
3 tell a jury, didn't they?

4 A. No.

5 Q. Didn't you just testify, when you were talking
6 that -- the attorney general, assistant attorney general,
7 asked you a question, you said: I don't know if that's what
8 you want me to say; didn't you say that?

9 A. Say this again.

10 Q. You said: I'm not sure, is that what you want me
11 to say; didn't you say that just now?

12 A. I believe so.

13 Q. Okay. When law enforcement said they wanted you to
14 testify, have you met with them to go over what kind of
15 testimony you would give?

16 A. Yes.

17 Q. How many times did you meet with them and go over
18 the testimony?

19 A. Once.

20 Q. When law enforcement kicked in the door, how many
21 people were present at the house at that time?

22 A. At least -- I want to say at least 15. Looked like
23 10, at least 10 people.

24 Q. I am not talking about law enforcement; the people
25 that were there with you at the time that were not law

1 enforcement.

2 A. Okay, two, just me and him, me and Q.

3 Q. Are you sure there wasn't a third person there,
4 someone named Shirley?

5 A. And Shirley.

6 Q. She was there?

7 A. Yes.

8 Q. Okay. So --

9 A. It's three people there.

10 Q. First you said two. Now you say three. So you are
11 not really sure what goes on there, I guess. I don't know.
12 But what happened to Shirley Silvis? Was she arrested too?

13 A. I don't know.

14 Q. Were you arrested right then?

15 A. Right then, no.

16 Q. When were you arrested?

17 A. I never was. Cooperated.

18 Q. Okay. By arrested -- okay. Were you taken into
19 custody right then? Did they put you in handcuffs or sit
20 you down and tell you that you are under arrest?

21 A. No.

22 Q. Did they arrest anyone else there at that time?

23 A. Yes.

24 Q. Who did they arrest?

25 A. They arrested Q.

1 Q. He was the only one they arrested; is that correct?

2 A. Yes.

3 MR. GRIFFITH: I have no further questions. Please
4 answer any questions Ms. Johns has.

5 THE COURT: Any questions?

6 MS. JOHNS: Yes, Your Honor. May it please the
7 Court.

8 THE COURT: Yes. You may proceed.

9 CROSS-EXAMINATION

10 BY MS. JOHNS:

11 Q. Good afternoon, Mr. Brown.

12 A. Good afternoon.

13 Q. Are you getting paid for your testimony today?

14 A. No.

15 Q. You sure do seem to work a lot for free, don't you?

16 A. I mean, at that time, I did lend my hand.

17 Q. So you were working for -- you said you were
18 working for Q, right?

19 A. Right.

20 Q. And in exchange for that, Q was going to give you
21 place to stay?

22 A. Yes.

23 Q. But you had places to stay, did you?

24 A. No.

25 Q. You couldn't stay with your grandfather?

1 A. My grandmother. Grandfather is deceased.

2 Q. I'm sorry, your father. I'm sorry.

3 A. My father, he left. He left the house, lost the
4 house, moved in with his girlfriend. So I couldn't stay
5 with them.

6 Q. Did you ask?

7 A. Yes.

8 Q. You didn't have any friends from high school?

9 A. Friends from high school? No, not, like, that I'm
10 close enough to stay with, no. All my friends are off in
11 different states doing in military or doing other things.

12 Q. Okay. And did you have a lot of possessions, like
13 furniture, automobiles?

14 A. I did have an automobile that I left at my father's
15 house. Sometimes I go and sleep in. And that's when, like,
16 he found out. So he was like, yo, you don't have to sleep
17 in no car, you can just sleep here.

18 Q. Okay. And you didn't have a girlfriend, or you
19 couldn't have moved to where the people were in the
20 military? You didn't have any of those options to you?
21 That's what you want this jury to believe?

22 A. With the girlfriend situation, at that time, I did
23 not have a girlfriend. And when I tried to live with my
24 grandmother at that time, I couldn't live with her because
25 my cousin, she has two other daughters. And something

1 happened to her when she was growing up, so she really,
2 really don't trust men staying there. So, like, basically,
3 at that time, it was not the right time to stay there.

4 Q. Okay. And you mentioned some people that was in
5 the military. Were they overseas?

6 A. Yes.

7 Q. So the mother, the father and your grandparents
8 were deceased and sisters?

9 A. No. My grandmother is alive. My grandfather is
10 deceased. And my sister, she -- that's who I live with now.
11 Me and her got a spot together, so ...

12 Q. So you are working now?

13 A. Yes.

14 Q. And I am not here just to try to insult your
15 intelligence. I want to make sure you understand. Most
16 people work and pay rent, right?

17 A. Right.

18 Q. Okay. So you were able-bodied back in April 2015
19 to work, weren't you?

20 A. Yes.

21 Q. And you could have gotten a job somewhere, right?

22 A. I was looking.

23 Q. You had a criminal record?

24 A. Now I do. Back then, no.

25 Q. So you could have worked anywhere? You could have

1 worked at Walmart, right?

2 A. I was looking. I was applying.

3 Q. And how old were you then?

4 A. I was 25.

5 Q. 25. Had you had a job before this?

6 A. Before this, yes.

7 Q. Where did you work before that?

8 A. Trash Gurl.

9 Q. What does that do?

10 A. Trash Gurl is the dumpster where you go pick up the
11 dumpsters and the Port-A-Potties and you put them on back of
12 the truck. And, basically, take them back to Goose Creek on
13 Red Bank Road to clean them out to go to another station or
14 where they have them or where they need them.

15 Q. And they paid you well?

16 A. They paid.

17 Q. They pay you benefits?

18 A. No.

19 Q. They didn't give you any insurance?

20 A. No.

21 Q. Okay. Did you have a car back then?

22 A. Back then, no.

23 Q. Did you have -- did you get a check or get paid
24 under the table?

25 A. I got a check.

1 Q. So you were capable of working. And if you worked,
2 you make money?

3 A. Correct.

4 Q. And with that money, you pay for your cost of
5 living?

6 A. Right.

7 Q. And cost of living would include rent, correct?

8 A. Correct.

9 Q. A cell phone, right?

10 A. Right.

11 Q. Electricity?

12 A. Right.

13 Q. And food?

14 A. Right.

15 Q. Anything else you need?

16 A. No, that was all.

17 Q. So instead of finding a decent place to live while
18 working, you made a choice, did you not, to live with Q?

19 A. Yes.

20 Q. And this was what you said was based on his offer
21 to you; is that right?

22 A. Yes.

23 Q. Now, when you decided that you were going to live
24 with Q, the agreement was that you had to keep the house
25 clean and feed the dogs?

1 A. Yes.

2 Q. And that was all you had to do, right?

3 A. Yes.

4 Q. Right?

5 A. Yes.

6 Q. But, instead, you saw that there was some game
7 going on with Q, isn't that right, an illegal game, right?

8 A. Right.

9 Q. And you say that you saw people coming in and
10 buying drugs?

11 A. Yes.

12 Q. And they bought drugs from Q?

13 A. Yes.

14 Q. And they bought drugs from you?

15 A. Yes.

16 Q. And they bought drugs from an unknown person that
17 you don't remember who it was?

18 A. Right.

19 Q. And they bought drugs from Chica?

20 A. Yes.

21 Q. Also known as Sissy, right?

22 A. I don't know about Sissy, but I know about Chico.

23 Q. Also known as Rosemarie?

24 A. Yes.

25 Q. Any other names you want to give her?

1 A. No.

2 Q. Did they buy drugs from somebody else other than
3 those four that I mentioned?

4 A. Those are the only ones I know.

5 Q. You never saw anybody buy drugs from Mo, did you?

6 A. No.

7 Q. No. Okay. Now, you had your own little game going
8 on too, didn't you?

9 A. No.

10 Q. You didn't? So when you talked to Investigator
11 Wingo over there, didn't you tell him that you were selling
12 to four regulars?

13 A. Four regulars? Back in January 2015, yes, at the
14 beginning, that's when I had my own game. But then that
15 came to a halt when -- in May, in May 2015, and then that's
16 when I went to jail in June. Got out of jail. My dad lost
17 the house. And then that's when I started living with
18 him.

19 Q. So you were selling to a guy named Oz, a white
20 male, right?

21 A. Yes.

22 Q. You sold to Vicky, white female, right?

23 A. Yes.

24 Q. You sold to Chris, a white male?

25 A. Yes.

1 Q. And you sold to a white female, Amy Moore, right?

2 A. Yes.

3 Q. Do you know who Amy Moore is?

4 A. Amy Moore, yes.

5 Q. She is one of the Sekula girlfriends, right?

6 A. I don't know who girlfriend she is.

7 Q. You don't know whose girlfriend she is?

8 A. No.

9 Q. These were your customers, right?

10 A. Correct.

11 Q. And these are the customers whose names you gave to
12 law enforcement, right?

13 A. Yes.

14 Q. So what about the people you didn't remember their
15 names? What did you do with them?

16 A. They went to him.

17 Q. So if you didn't know their names, you couldn't
18 tell law enforcement who you sold to?

19 A. Right.

20 Q. Right?

21 A. Right.

22 Q. So there were more than just four people you sold
23 to, right?

24 A. Yes.

25 Q. And they were coming in, I think you said, on a

1 daily basis?

2 A. Yes.

3 Q. And not just your customers, right, there were
4 people coming over to the house every day?

5 A. To the house is always him. They were never --

6 Q. That's not my question. My question is, your
7 testimony was that there were customers, you called them
8 clientele, that were coming over to the house on a daily
9 basis?

10 A. Yes.

11 Q. Now, of those people, of the times every single
12 day, they also came to you and bought drugs from you too,
13 right, at times?

14 A. At times, yes.

15 Q. You also said on direct examination that you never
16 saw Mo pick up money, right?

17 A. Pick up money?

18 Q. Yes, sir.

19 A. Yes.

20 Q. Okay. How much money did you see him pick up?

21 A. A lot.

22 Q. Okay. And what denominations were they?

23 A. I don't know.

24 Q. Where did he get it from?

25 A. He get it from Q.

1 Q. And you saw Q pass him money; is that right?

2 A. Sometimes.

3 Q. Okay. And when he passed -- you say Q passed money
4 to Mo?

5 A. Right.

6 Q. And where were you at the time when this money was
7 being passed?

8 A. If I wasn't sitting -- when I seen it, I would have
9 been inside the house sitting around front in the living
10 room.

11 Q. Sitting around front in the living room, and they
12 would be in the back?

13 A. Yes.

14 Q. So you didn't eyewitness this exchange? You
15 assumed there was an exchange, correct?

16 A. Yes.

17 Q. Okay. You said it took three months before Q would
18 let you serve anybody; is that right?

19 A. Yes.

20 Q. And that your role was that when somebody would
21 come over, you would have to leave, right?

22 A. Say this again.

23 Q. You would have to leave when somebody came over to
24 be served, right?

25 A. No.

1 Q. No?

2 A. No.

3 Q. You could be there when somebody was being served?

4 A. Yes, I would have to leave if Mo comes.

5 Q. Oh, you had to leave if Mo comes?

6 A. Yes.

7 Q. Okay. So you saw Mo once, right?

8 A. A couple of times I saw Mo, yeah.

9 Q. You saw him once when you had a conversation with
10 him?

11 A. Yes.

12 Q. Before you had a conversation with him, you saw him
13 once, right?

14 A. Yes.

15 Q. Next time you saw Mo, you had a conversation with
16 him, right?

17 A. Yes.

18 Q. And the conversation that you had with him, he was
19 trying to help you get your life straight, or at least give
20 you advice, is that fair to say?

21 A. Yes.

22 Q. He told you you should get yourself together and go
23 to school?

24 A. Yes.

25 Q. And get your life together, that's what he told

1 you?

2 A. Yes.

3 Q. Did he have a gun on him at that time?

4 A. No, not that I'm aware.

5 Q. Did he ever point a gun at you in any way?

6 A. No.

7 Q. Did anybody in the house ever point a gun at you in
8 any way?

9 A. No.

10 Q. Did anybody coerce you into doing anything you
11 didn't want to do?

12 A. I mean, no.

13 Q. No? Okay. Now, you stated that when the raid
14 occurred -- do you remember what date that was?

15 A. No.

16 Q. Do you remember what month it was?

17 A. February.

18 Q. Okay. So you are saying February a raid happened,
19 right?

20 A. Yep.

21 Q. Do you remember what year?

22 A. 2016.

23 Q. 2016?

24 A. Yes.

25 Q. You said you were sitting there and you were

1 playing video games?

2 A. Yes.

3 Q. Playing video games with this female by the name of
4 Silva? What was her first name?

5 A. Shirley.

6 Q. You were playing video games with Shirley?

7 A. No.

8 Q. Were you playing video games with Q?

9 A. No.

10 Q. But you were playing video games?

11 A. Yes.

12 Q. What was Shirley doing?

13 A. She -- at that time, she was doing something. I
14 don't remember what she was doing, but she was doing
15 something where I was playing the video game.

16 Q. Okay. Did she live there?

17 A. I don't know.

18 Q. Well, you lived there, didn't you?

19 A. No. When the raid -- when the raid came, I was
20 living with my grandmother at that time.

21 Q. You just happened to be there?

22 A. Yes, because of my dog was there, because you
23 couldn't keep my dog at my grandmother's house because I
24 didn't have a cage, money for a cage at that time when I
25 first came back.

1 Q. And were you working when you were living with your
2 grandmother at that time?

3 A. Yes, that's when I started work, yes.

4 Q. Where?

5 A. I started working at Graze in Summerville, the
6 restaurant in Summerville, as a dishwasher.

7 Q. Now, you mentioned earlier that you had -- let me
8 withdraw that. Okay. After the raid, you said that you
9 were not placed in handcuffs; is that correct?

10 A. Right.

11 Q. And they talked to you and told you that you needed
12 to cooperate, right?

13 A. Right.

14 Q. And if you didn't cooperate, that you would end up
15 in prison, right?

16 A. Right.

17 Q. And they told you that you would be charged with
18 trafficking heroin?

19 A. Yes.

20 Q. And they told you that trafficking heroin at that
21 level was 25 to 40 years, correct?

22 A. Right.

23 Q. And they also would have charged you with
24 distribution, several counts of distribution, correct?

25 A. Yes.

1 Q. And distribution of heroin carries 0 to 15 for a
2 first offense; isn't that right?

3 A. Yes.

4 Q. And if you had more than one distribution, they
5 could add them up together and call it consecutive time,
6 couldn't they?

7 A. Yes.

8 Q. Did they tell you that they had you on film?

9 A. Yes.

10 Q. Or video? Did they let you see it?

11 A. No.

12 Q. Okay. Did you have an attorney in this case?

13 A. Yes.

14 Q. Did your attorney show it to you?

15 A. She showed me a paper, but not really the film.

16 Q. No?

17 A. No.

18 Q. And in the paper, could you see yourself clearly in
19 the paper?

20 A. Yes.

21 Q. So you are here -- when you first took the stand,
22 you said that you were here to clear your name?

23 A. Yes.

24 Q. Is that right?

25 A. Yes, ma'am.

1 Q. You want this jury to believe that you didn't have
2 anything to do with this, right?

3 A. Yes.

4 Q. And the reason that you are testifying is because
5 you are a victim of circumstance, correct?

6 A. Yes.

7 Q. All right. And the reason that you became a victim
8 of circumstance is because you were homeless, right?

9 A. Right, wrong place, wrong time.

10 Q. Wrong place, wrong time. And that the choices that
11 you made when you sold heroin was based on somebody else
12 coercing you? Is that what you want this jury to believe?

13 A. You say it like that, like -- I'm going to have to
14 say, you know, yeah.

15 Q. Somebody forced you to sell --

16 A. No, they didn't force me. Basically, it was, you
17 know, like I'm helping you out, so, basically, you got to do
18 this.

19 Q. Yeah. He's helping you out and you are going to
20 help him out?

21 A. Right.

22 Q. And that's the same agreement you have with the
23 government right now, isn't it? They are helping you out
24 and you are going to help them out; is that right?

25 A. Yes.

1 Q. Basically, the same bargain, right?

2 A. Yes.

3 Q. And you said that you went to Columbia, right?

4 A. Yes.

5 Q. And they asked to you come down there, right?

6 A. To testify, yes.

7 Q. And did they fly you in?

8 A. No.

9 Q. Did they come and get you?

10 A. Yes.

11 Q. Okay. So they came to pick you up from here and
12 drove to you Columbia?

13 A. Yes.

14 Q. Did they buy you some lunch?

15 A. Yes.

16 Q. Did they give you something to wear?

17 A. No.

18 Q. Now, do you remember when that was?

19 A. It was in 2016.

20 Q. Okay. And at that time, they showed you what has
21 been admitted as State's Exhibit No. 167, didn't they?

22 A. Yes.

23 Q. And that was on March the 31st of 2016, wasn't it?

24 A. Yes.

25 Q. Okay. But before they collected these six

1 pictures, they didn't show you a picture of Mo, did they?

2 A. They showed me that.

3 Q. But before this, they didn't show you a picture of
4 Mo, did they?

5 A. No.

6 Q. They didn't show you a picture of Justin, did
7 they?

8 A. No.

9 Q. And you don't know anybody else in this picture; is
10 that correct?

11 A. No.

12 Q. So when they present this picture to you, you know
13 that there's a right answer; isn't that correct?

14 A. Yes.

15 Q. And not only did they show you six pictures of who
16 they thought was Mo, they also showed you six pictures of
17 everybody else that's charged; isn't that right?

18 A. Yes.

19 Q. Which is, what, four or five more other people,
20 right?

21 A. Yes.

22 Q. Okay.

23 A. I believe.

24 Q. Do you remember seeing other pictures like this?

25 A. Yes.

1 Q. That had other people in it?

2 A. Yes.

3 Q. And you had to circle a photograph; is that right?

4 A. Yes.

5 Q. What else did they tell you you had to do?

6 Testify, right?

7 A. Yes.

8 Q. And were you ever taken to jail for these charges?

9 A. No.

10 Q. So you didn't have to go to a county jail, did you?

11 A. No.

12 Q. So your freedom was never in jeopardy as long as
13 you cooperated; am I right?

14 A. Basically, yes.

15 Q. Okay. And this is just -- when you moved into Q's
16 house, you did that for survival, right?

17 A. Yes.

18 Q. And you are doing this for survival too, right?

19 A. Yes.

20 Q. And even though you had the ability to maintain a
21 law-abiding job, you chose to sell heroin, right?

22 A. I was trying to get a law-abiding job.

23 Q. You were trying to?

24 A. Yes. I was applying every day -- well, six months.
25 That's why I left.

1 Q. It's not your fault you didn't get a job? That is
2 what you are saying?

3 A. Right.

4 Q. And even if you didn't have that opportunity, you
5 still chose to break the law, didn't you?

6 A. Say this again?

7 Q. You chose to break the law, didn't you?

8 A. Yes.

9 Q. And you broke the law by selling heroin, right?

10 A. Yes.

11 Q. And now you are trying to get out of it and hope
12 for probation, right?

13 A. Yes.

14 MS. JOHNS: Thank you. Nothing further.

15 THE COURT: Any redirect of the witness?

16 REDIRECT EXAMINATION

17 BY MR. UNDERWOOD:

18 Q. Mr. Brown, to your knowledge, did Mo give out drugs
19 for free?

20 A. No.

21 Q. Did Q give out drugs for free?

22 A. No.

23 Q. The drugs that you sold to OZ, Vicky, Chris and Amy
24 Moore, where did they come from?

25 A. They came from Mo, Q.

1 Q. Were you charged in the same conspiracy as Mo and
2 Q?

3 A. Yes.

4 Q. And did you plead guilty to that?

5 A. Yes.

6 Q. Is that because you are guilty?

7 A. Yes.

8 MR. UNDERWOOD: No further questions, Your Honor.

9 THE COURT: Any objection to the witness being
10 excused, from the State?

11 MR. UNDERWOOD: None, Your Honor.

12 THE COURT: From the defense?

13 MR. GRIFFITH: No objection.

14 MS. JOHNS: No, Your Honor.

15 THE COURT: Sir, you are excused.

16 Madam Forelady, ladies and gentlemen, we are going
17 to take advantage of this break in testimony to take our
18 lunch recess. During the break, please do not discuss the
19 case. Please leave your notepads in your seats. We will
20 resume -- it's about 1:02. Why don't we say 2:15.

21 Don't have any discussion with anybody in and about
22 the courthouse. When everyone arrives, we will resume
23 testimony. Have a good lunch.

24 (Whereupon, a recess transpired.)

25 (Whereupon, the jury leaves open court at 1:03

1 p.m.)

2 THE COURT: Is there anything we need to take up
3 before the break for lunch, from the State?

4 MR. UNDERWOOD: I don't believe so, Your Honor.

5 THE COURT: From the defense, Mr. Griffith?

6 MR. GRIFFITH: No, Your Honor.

7 THE COURT: From the defense, Ms. Johns?

8 MS. JOHNS: No, Your Honor.

9 THE COURT: Have a good lunch. See you at 2:15.

10 (Whereupon, recess transpired.)

11 THE COURT: Is there anything we need to take care
12 of before we resume with the next witness?

13 MR. UNDERWOOD: I just wanted the Court to be aware
14 that the State does intend this afternoon to enter in a
15 number of firearms that were found as a result of search
16 warrants.

17 THE COURT: Well, only firearms that are going to
18 come in are ones somebody was charged with, right, unless
19 there's no objection.

20 MS. JOHNS: I object, Your Honor.

21 THE COURT: The only firearms that are going to
22 come in are the ones somebody was charged with. Why else
23 would they come in?

24 MR. UNDERWOOD: Your Honor, there's been some
25 testimony already presented about how people that are

1 operating drug organizations keep firearms and how --

2 THE COURT: It's not an element of the offense.

3 MR. UNDERWOOD: Your Honor, I believe that it's
4 circumstantial evidence to show there was criminal activity
5 taking place.

6 THE COURT: You don't have to even -- under the
7 law, you don't even have to exchange anything of value for
8 drugs for a drug transaction to take place. I'm
9 hard-pressed to see what element in this case makes it more
10 or less probable other than that raise the character of the
11 accused. If you have a gun that was taken and he was
12 charged with it and you could prove a nexus to the crime,
13 that comes in, because it proves the element of the offense.
14 Otherwise, I'm hard-pressed to see how it's relevant.

15 MR. UNDERWOOD: Your Honor, the State wasn't going
16 to be eliciting anything about -- doesn't have to elicit
17 character evidence whether or not the firearms were stolen
18 or anything along those lines.

19 THE COURT: It is character because you want the
20 jury to believe that they were violent and they had these
21 extraneous firearms in their possession. And the fact that
22 they were seized, unless you can tie it to some element of
23 the offense --

24 MR. UNDERWOOD: Your Honor, there was testimony
25 from William Brown --

1 THE COURT: I understand what the testimony was.
2 Nobody objected. And once they objected, I sustained it on
3 relevance.

4 MR. UNDERWOOD: The testimony I was referring to
5 was that the guns were used as currency to purchase the
6 drugs.

7 THE COURT: I understand that. But unless you can
8 tie the guns that were seized in this house as currency,
9 unless he can identify them and tie them to a particular
10 transaction, it's not relevant. It's not an element of the
11 offense. You don't have to exchange anything of value in a
12 drug transaction for there to be a transaction.

13 MR. UNDERWOOD: Very well, Your Honor. As to the
14 defendant Mr. Roberts, Your Honor, he is charged with
15 possession of a firearm during the commission --

16 THE COURT: If you have that firearm, that can come
17 in.

18 MR. UNDERWOOD: In the presentation of the
19 indictment, several firearms were mentioned. I would ask
20 that we be able to admit --

21 THE COURT: I don't know. I didn't read anything
22 about any firearms when I read the indictments.

23 MR. UNDERWOOD: I was referring to when it was
24 presented to the Grand Jury, Your Honor.

25 THE COURT: That deals with jurisdiction and how

1 this case gets into court. Has nothing to do with your
2 burden of proof in this case. Lots of things go to Grand
3 Jury that never would come in at trial. It's a one-sided
4 proceeding.

5 MR. UNDERWOOD: The question I was going to ask the
6 Court, Your Honor, was, were we going to be limited to any
7 particular firearm, or were all the firearms that were found
8 at that location, Your Honor?

9 THE COURT: I understand what you said.

10 MR. UNDERWOOD: I'm asking the Court for
11 guidance.

12 THE COURT: I'm sorry. Say that again.

13 MR. UNDERWOOD: The Summer Creek address of
14 Mr. Roberts where certain firearms were found, is the State
15 going to be limited to only one of those firearms, or all
16 the firearms from that location?

17 THE COURT: The case law limits you to -- the only
18 way you can prove your case if you can prove those guns were
19 nexus to a crime. The fact that they were in the residence
20 is not sufficient to meet your burden of proof. You have to
21 prove that they were -- that they were -- you have to
22 provide a nexus for that weapon with the crime or,
23 otherwise, you failed to meet your burden of proof. And
24 it's reversal error.

25 MR. UNDERWOOD: Yes, Your Honor. They were found

1 along with trafficking amounts of drugs, Your Honor.

2 THE COURT: I am not going to rule in advance. You
3 are going to have to try to lay your foundation and
4 introduce your evidence. And they will make a
5 contemporaneous objection and I will go from there. But any
6 guns that are not tied to a charge, I'm just hard-pressed to
7 know why it would be relevant to anything. There are lots
8 of things, I'm sure you found when you execute search
9 warrants, that aren't relevant.

10 MR. UNDERWOOD: Again, Your Honor, I would just
11 argue that the firearms and locations that are being used to
12 sell drugs are indicative of drug activity.

13 THE COURT: Supreme Court says you need more than
14 that, don't you?

15 MR. UNDERWOOD: I believe there has been a nexus
16 established, Your Honor, from several of the witnesses who
17 testified that the weapons were used in the commerce, that
18 weapons were used for protection of those activities.

19 THE COURT: Is that an element of trafficking or
20 distribution?

21 MR. UNDERWOOD: It's evidence that that activity is
22 taking place, Your Honor.

23 THE COURT: Not as I read the case law. Were --
24 well, you make your attempt to address -- to admit it. They
25 will make a contemporaneous objection. And I will rule. I

1 like clean records. I don't like things in a record that
2 are unnecessary for the elements of an offense.

3 MR. UNDERWOOD: Yes, Your Honor.

4 THE COURT: All right. In advance, do you all have
5 any exception to what he's talking about? Because y'all
6 know what he's talking about and I really don't. Y'all have
7 had the opportunity to look at the discovery and to see
8 exactly what weapons he's referring to. How many firearms
9 are we talking about, for clarity of the record?

10 MR. UNDERWOOD: Your Honor, if I may defer to
11 Mr. Fernandez, I think he was going to handle those
12 witnesses, Your Honor.

13 THE COURT: Yes, sir.

14 MR. FERNANDEZ: 14 or 15, Your Honor.

15 MR. GRIFFITH: If it please the Court --

16 THE COURT: I'm talking about in general.

17 MR. GRIFFITH: Only those at that location.

18 MR. FERNANDEZ: In general, Your Honor, about 15, I
19 think, quick count.

20 THE COURT: From where, which locations?

21 MR. FERNANDEZ: Three different locations. That
22 would be the Bear Island location, Summer Creek location and
23 Patriot Boulevard location.

24 THE COURT: Mr. Griffith, do you have any objection
25 to the admission of the evidence he's referring to?

1 MR. GRIFFITH: Your Honor, I would object in that
2 Mr. Roberts was arrested at one of those locations, not all
3 three of those locations, to begin with. And the charge in
4 the indictment is for Emory Roberts's possession of firearms
5 during the commission of or attempt to commit a violent
6 crime. He was not arrested during the commission of a
7 crime, Your Honor. He was arrested pursuant to an
8 investigation wherein the investigation, no firearms were
9 used during any part of that investigation as far as using a
10 firearm as it refers to during the commission or attempt of
11 a violent crime.

12 Although I know the sale of trafficking in heroin
13 is a considered a violent and serious crime, no firearm was
14 used in the commission of that crime, Your Honor. And I
15 would argue that they are not admissible for that reason.
16 And also, that any -- found anywhere other than -- if they
17 were to be admissible, where he was arrested, because,
18 otherwise, he would not be in possession of those firearms.

19 THE COURT: Well, you have actual and constructive
20 possession. I guess I need to understand exactly in what
21 context -- are you saying that when y'all executed search
22 warrant, you just found the weapons? Was he near the
23 weapons? Did he have a weapon in his hand?

24 MR. FERNANDEZ: Depended, Your Honor. Some were in
25 plain accessible locations.

1 THE COURT: Like where?

2 MR. FERNANDEZ: Quite clearly, leaning up against
3 walls and within the general living room areas and kitchen
4 areas. And then there were others that were in closets or
5 bedrooms. So they were pretty scattered. But there were
6 certainly weapons within grabbing distance. That's why they
7 executed the search warrant in the manner they did.

8 THE COURT: I'm looking for the most recent Supreme
9 Court case on that. Conviction got reversed for that very
10 reason. Gun being in the house it's enough. You have to
11 prove a nexus, in other words, held it on somebody,
12 immediately within his reach, that he had it on his person
13 while he was actually conducting the transaction. Just
14 because you got a gun in the house doesn't mean it creates a
15 nexus. Supreme Court has been very clear what their
16 definition of nexus is. And I'm not going to rely on my
17 memory. I'm going to look at it right quick and see exactly
18 what they said.

19 MR. FERNANDEZ: Just the fact it was used as
20 currency --

21 THE COURT: That's not enough to prove possession
22 of a weapon. You are talking about two different things.
23 That's a separate charge, separate independent. That has to
24 be proved, one, by establishing that the underlying offense,
25 which is classified as violent, happened. They don't have

1 to reach possession of a weapon during the commission of a
2 violent crime unless you prove trafficking. Then they can
3 determine whether there was possession of a weapon during
4 the commission of a violent crime and whether that gun was
5 used in the nexus of that offense. Then using guns as
6 currency is not possession of a weapon during the commission
7 of a violent crime. The law contemplates you using that gun
8 to facilitate the crime. I don't think that currency meets
9 that.

10 And you haven't had a witness that can verify that
11 during one of those transactions that you corroborate with
12 video or audio that a gun was used as currency for that
13 purpose. All of your buys deal with actual currency.

14 He testified and they let it slide. They didn't
15 object. It's not my job to object. Your witness really
16 didn't have direct knowledge. He surmised that these things
17 had taken place. And then said he wasn't present for any of
18 it. I will look at the law. And then we will go from
19 there.

20 Do you have any further objection you want to state
21 for the record?

22 MR. GRIFFITH: Your Honor, I would state that the
23 weapons, they cannot and have not even insinuated that any
24 weapons were ever used during the commission of this crime
25 for the fulfillment of forcing someone or forcing someone,

1 which I think, I believe, is the intent of the law, is if
2 one were to use a weapon or possess a weapon which one
3 intended to use in the commission of a crime or that it
4 would be possible for one to use the weapon in the
5 commission of that crime. So using that weapon as a means
6 of currency would still not qualify as possession of --
7 under the spirit of the law, possession of a firearm during
8 the commission or attempt to commit a violent crime.

9 THE COURT: Ms. Johns, glad to hear anything you
10 would like to tell me.

11 MS. JOHNS: Thank you, Your Honor. Your Honor, I
12 would object on the basis of relevancy under Rule 401. And
13 I would also object under Rule 404.

14 THE COURT: The Supreme Court in *State v. Whiteside*
15 says that: Nexus may be established by showing that the
16 firearm further advanced or helped in the commission of the
17 crime.

18 They further articulated that: A nexus between
19 possession of a firearm and drug trafficking would exist if
20 the firearm is accessible to the trafficker and thereby
21 provides defense against anyone who may attempt to rob the
22 trafficker of his drugs or drugs profits. Similarly,
23 possessing a gun and letting everyone know that you are
24 armed lessens the chance that a robbery will even be
25 attempted.

1 There's some other language, though.

2 In sum, we find that the General Assembly's purpose
3 in enacting this statute was to penalized defendants who
4 actually or constructively possess a firearm in order to
5 further a violent crime and who thereby increase the
6 intendant risk of harm. We, therefore, hold that such a
7 nexus must be established in order to convict a defendant of
8 possessing a firearm during the commission of a violent
9 crime.

10 And they further articulated that the fact that the
11 General Assembly passed the statute does not suggest that
12 the General Assembly intended to criminalize any possession
13 of a firearm, no matter how unrelated during the commission
14 of a violent offense. The purpose was to increase the
15 penalty of engaging in more dangerous conduct, whether that
16 conduct was displaying a knife, firearm or object that
17 appears to be a firearm or possessing a firearm in
18 furtherance of a violent offense.

19 The General Assembly's purpose would not be
20 furthered by penalizing possession of a firearm that is
21 entirely unrelated to the violent offense. Indeed, finding
22 that no nexus is required may raise constitutional questions
23 in some cases since the second amendment protects possession
24 of lawful firearms by ordinary citizens.

25 Which is not this situation. There's been no

1 testimony about them being lawfully armed.

2 And the court articulated: Mere proof of
3 constructive possession of a firearm is insufficient to
4 support a conviction, possession of a weapon during the
5 commission of a violent crime. The Supreme Court
6 articulated that the statute's plain and ordinary meaning
7 contemplates that the person either had the firearm on their
8 person, was within reach of the person, or they visibly
9 displayed what appeared to be a gun or knife while they were
10 committing or attempting to commit the violent offense. And
11 that's the nexus that the court contemplates.

12 Yes, sir.

13 MR. FERNANDEZ: Thank you, Your Honor. So as I
14 understand the Court's ruling, the State was proceeding on a
15 number of avenues. And I think we've limited it now to the
16 charge that's solely for the one defendant. I think our
17 position --

18 THE COURT: You charged him with possession of a
19 weapon during the commission of a violent crime. Whitesides
20 and the statute, plain language of the statute says -- and
21 if you bear with me one moment: In order to prove
22 possession of a weapon during the commission of or attempt
23 to commit a violent crime, the State must prove beyond a
24 reasonable doubt that the defendant was in possession of a
25 firearm or visibly displayed what appeared to be a firearm

1 during the commission of a violent crime. In order to find
2 the defendant guilty of possession of a weapon during the
3 commission of a violent crime, you must first find the
4 defendant guilty of either committing a violent crime or
5 attempting to commit a violent crime.

6 Of course, trafficking is a violent crime pursuant
7 to 16-1-6.

8 The State must also prove beyond a reasonable doubt
9 that the weapon further advanced or helped in the commission
10 of the crime, which is just the language articulating nexus,
11 but I don't think -- and I'm going to fast-forward. I think
12 it's a strained reading to say that comes within the ambit
13 of the statute this says aided and abetted in trafficking.
14 That's not kind of aided and abetted that the legislature
15 contemplated.

16 Now, if they were found in a warehouse and they
17 were exchanging a whole crate of guns for drugs, that's
18 different.

19 MR. FERNANDEZ: I understand. We do have a number
20 of other items beyond simply firearms that would be
21 suggestive or we would argue is circumstantial to evidence
22 of drug trafficking, things like Your Honor heard testimony
23 about, but digital scales, some --

24 THE COURT: I think scales, that's clearly what
25 people use.

1 MR. FERNANDEZ: And cell phones.

2 THE COURT: I am not going to rule in advance. I'm
3 going to see if you lay your foundation, but when you talk
4 about admitting 14 guns, I think commonsense dictates that's
5 more prejudicial than probative and goes a little beyond
6 what the statute contemplates.

7 MR. FERNANDEZ: Thank you, Your Honor.

8 THE COURT: But if you have guns you can put within
9 the nexus of this activity that was within his actual or
10 constructive possession that went merely beyond being in the
11 room -- and, you know, what the legislature contemplated, at
12 least based on my very quick review of Whiteside, is that
13 when -- the whole purpose of it is to cut down on violence
14 in transactions. And that people generally of a certain
15 activity have guns. And as a result of that, people end up
16 getting killed or injured as a result. And it is to deter
17 that.

18 MR. FERNANDEZ: If I could give everyone a heads-up
19 here, since Your Honor prefers to keep the record clean --

20 THE COURT: I think we would all have that goal,
21 don't you?

22 MR. FERNANDEZ: I agree too, Your Honor. So we are
23 clear, what I intend to do on the search warrant witnesses,
24 and this is mostly for the attorneys, I will enter the drugs
25 in first. And shortly after I do the drugs, would be the

1 part where I'm going to move to admit some of the firearms,
2 at least the Summer Creek location. And that would probably
3 be the point that y'all should object. Okay.

4 THE COURT: You need to tell them specifically what
5 you are seeking to admit.

6 MR. FERNANDEZ: We have some pictures of the guns.
7 And I will show them to them right now.

8 MR. GRIFFITH: Of course, I would object as well,
9 Your Honor, the fact that it is prejudicial against my
10 client. And it's an attempt by the State to make him look
11 more violent than he actually is. Having a gun just in your
12 house, he has a right as a citizen. He has not committed a
13 felony. He is not prohibited from having a gun in his home.
14 And he did not use those guns or arms in any way in the
15 furtherance of the commission of the crime.

16 Whether they were currency or not is another story,
17 but they haven't proven that at any rate, Your Honor.

18 MR. FERNANDEZ: These would be the guns we are
19 talking about.

20 THE COURT: He showed you what he was talking
21 about.

22 MR. GRIFFITH: I had nothing further other than
23 those objections. I would have further objections when they
24 try to bring them in.

25 THE COURT: Ms. Johns.

1 MS. JOHNS: Your Honor, I believe that that guns
2 were taken from Summer Creek. And my guy's search warrant
3 was at Patriot Boulevard. So I don't think --

4 THE COURT: I think they said both places, didn't
5 they?

6 MS. JOHNS: Those specifically.

7 THE COURT: Did they show you ones they seeked to
8 introduce against your client?

9 While we are on that topic, totally another topic,
10 did you ever contact the bondsman about your client?

11 MS. JOHNS: Bondsman has been contacted, not by my
12 office --

13 MR. FERNANDEZ: I contacted, Your Honor.

14 THE COURT: What did he see?

15 MR. FERNANDEZ: They said they would get back to
16 me, and they never did.

17 MR. GRIFFITH: Your Honor, if you would like to
18 hear the motion to exclude these guns right now --

19 THE COURT: No, because I don't hear things twice.
20 I hear them at one time. And I will hear it in camera, if
21 necessary.

22 MS. JOHNS: Back to the gun issue --

23 THE COURT: Are there any guns you seek to
24 introduce against her client?

25 MR. UNDERWOOD: We will withdraw it at this time,

1 Your Honor.

2 THE COURT: Again, just for clarity's sake, if you
3 had a witness that could tie a particular weapon to a
4 particular exchange, I might be more inclined to let it in.
5 But we don't know where those weapons came from. We don't
6 know what exchanges took place. We don't know. It's just
7 too nebulous, too much speculation.

8 MR. GRIFFITH: There are no charges against any of
9 the other defendants for possession of a firearm at any
10 rate, Your Honor. So only Mr. Roberts was charged in count
11 15.

12 THE COURT: If they can prove a nexus to the gun
13 that they seized -- I don't know. I haven't heard it. I
14 don't know whether he was sitting next to it. I don't know
15 whether it was in his lap, his waistband. I don't know.
16 But I will hear it and I will see if they can establish
17 foundationally whether it comes in.

18 But just to admit 14 guns that were seized as a
19 result of a search warrant, I don't know where they came
20 from. I don't know who they belong to. I can't tie them to
21 a particular transaction. It's problematic.

22 Again, if you had a witness that could say, I was
23 there and I saw them exchange a Ruger or a Glock for this
24 particular amount of drugs on this particular day, it was
25 stored in the closet, that's different.

1 All right. Are we ready to proceed? State ready
2 to proceed?

3 MR. UNDERWOOD: Yes, Your Honor.

4 THE COURT: Defense ready to proceed?

5 MS. JOHNS: Yes, Your Honor.

6 THE COURT: Who is your next witness?

7 MR. UNDERWOOD: The State's next witness is Craig
8 Valentine.

9 (Whereupon, a recess transpired.)

10 MS. JOHNS: Regarding the order from the bench
11 about the jury charges, I know I've been before Your Honor
12 many times before, I know how thorough you are.

13 THE COURT: You are kind.

14 MS. JOHNS: My only question is that your general
15 conspiracy charge, would that be pursuant to the trafficking
16 statute?

17 THE COURT: Well, the trafficking statute really
18 doesn't have conspiracy within it. The section that they
19 use is plain old trafficking. And, really, I've debated
20 whether hand-of-one charge will cover that or whether you
21 need to charge on conspiracy, because the statute doesn't
22 talk in terms of conspiracy. It says aid or abet, which is
23 really conspiracy. But really what's dispositive is the
24 aiding and abetting and amount.

25 So, I mean, I will defer to y'all, if you want. I

1 have conspiracy and hand-of-one included. And then I will
2 have charged conference. I am not just going to blindside.

3 MR. UNDERWOOD: On that note, the statute does
4 contain a conspiracy element.

5 THE COURT: Says aid and abet.

6 MR. UNDERWOOD: Contains conspire as well.

7 THE COURT: Yeah, all that language is here.

8 MR. UNDERWOOD: I do intend to prepare a conspiracy
9 charge concerning trafficking. If I can get that to the
10 Court briefly after we break.

11 THE COURT: Yeah, I will be glad to consider it,
12 but if I instruct it, I'm just going to instruct on
13 trafficking and then conspiracy, what it requires to
14 establish a conspiracy. I think it's sort of redundant.
15 And I like to keep things cut and dry for a jury. You can
16 argue aiding and abetting and conspiring within the words in
17 the statute. There's like aid, abet and conspire, a litany
18 of words that really amount to conspiracy. But I think
19 probably what jury is going to listen to more is the amount
20 and the inference, although it's one they can consider or
21 disregard. But we will have charge conference.

22 I just need -- I just like to get things well in
23 advance so that if there's a case that's relied on, I can
24 read it and give any request you have appropriate
25 consideration. I don't want to rush through it. Because,

1 you know, you can fix a charge before. It's hard to fix a
2 charge after.

3 MR. UNDERWOOD: In regards to the timetable, Your
4 Honor, would an e-mail by maybe six o'clock be sufficient to
5 give that to Your Honor? I have a version of it.

6 THE COURT: You can bring it to me in the morning.
7 I'm trying very hard not to work after work anymore.
8 Although I probably will go to Charleston this evening and
9 sign orders. But I'm trying. It's hard to teach -- you
10 know, it's hard to teach me new tricks, but I'm trying.
11 Drives my secretary crazy, because I go on her desk and
12 she's like: You've been in here; I told you to stay off of
13 my desk.

14 All right. Are we ready? State ready?

15 MR. UNDERWOOD: Yes, Your Honor.

16 THE COURT: Defense ready?

17 MS. JOHNS: Yes, Your Honor.

18 MR. GRIFFITH: Yes, Your Honor.

19 (Whereupon, the jury returns to open court at 2:46
20 p.m.)

21 THE COURT: Ladies and gentlemen, I hope y'all had
22 a pleasant lunch. We will resume testimony. I ask you to
23 give counsel your full attention.

24 MR. UNDERWOOD: The State calls Craig Valentine.

25 THE COURT: Ladies and gentlemen, we apologize for

1 the delay.

2 CRAIG VALENTINE,

3 having been duly sworn, testifies as follows:

4 THE CLERK: State your name for the court reporter.

5 THE WITNESS: Craig Valentine.

6 THE COURT: Tell me your full name.

7 THE WITNESS: Craig Valentine.

8 THE COURT: Spell your last name for the court
9 reporter.

10 THE WITNESS: V-a-l-e-n-t-i-n-e.

11 THE COURT: You may proceed, Mr. Underwood.

12 MR. UNDERWOOD: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MR. UNDERWOOD:

15 Q. Good afternoon, Mr. Valentine. Sir, how old are
16 you?

17 A. 24.

18 THE COURT: Could you speak up.

19 THE WITNESS: 24 years old.

20 THE COURT: Thank you, sir.

21 BY MR. UNDERWOOD:

22 Q. Where do you currently live?

23 A. 209 Knightsbridge Drive, North Charleston, South
24 Carolina.

25 Q. How far did you go in school?

1 A. Year and a half of college.

2 Q. Where did you go to college?

3 A. Trident Tech.

4 Q. Are you employed?

5 A. I was.

6 Q. Where?

7 A. I worked for the private airport, Atlantic
8 Aviation, three and a half years.

9 Q. What did you do there?

10 A. I fueled private jets.

11 Q. When did you stop working there?

12 A. When I had an addiction.

13 THE COURT: I'm sorry, sir. Can you repeat your
14 last answer?

15 THE WITNESS: When my addiction started.

16 BY MR. UNDERWOOD:

17 Q. What addiction is that?

18 A. Addiction to -- it was pills at the time.

19 Q. When was this?

20 A. Around my 18th -- around 18 to 21.

21 Q. How did you become addicted to pills?

22 A. Prescribed them, then taken away off them.

23 Q. What happened that you first got prescribed
24 pills?

25 A. Wisdom teeth pulled.

1 Q. What kinds of pills were you prescribed?

2 A. Percocets.

3 Q. At what point did you become addicted to those?

4 A. Well, I got the prescription refilled like three
5 different times because I got dry sockets. So, I don't
6 know, after about four months of doing it, then I turned to
7 street drugs.

8 Q. Why did you turn to street drugs?

9 A. Started withdrawing.

10 Q. What kind of symptoms did you suffer from with your
11 withdrawal?

12 A. Like the flu times 10.

13 Q. Describe what that was like.

14 A. Diarrhea, nausea, throwing up, sweats,
15 uncomfotability, restless legs, a lot of different things.

16 Q. Which drug at that time were you withdrawing from?

17 A. Well, I just started to notice I was getting sick
18 without the pills. And then I started buying like Roxy 30s
19 on the street and stuff.

20 Q. When you say Roxy 30s, what are you referring to?

21 A. Oxycodone, 30 milligrams.

22 Q. Where were you getting those pills from?

23 A. Dealers.

24 Q. Did you ever seek medical treatment about trying to
25 get off of those pills?

1 A. I turned to every hospital at least probably three
2 or four times begging for help, but since I didn't have
3 insurance, they just gave me papers with rehabs on them and
4 sent me away.

5 Q. How long were you dependent upon pills?

6 A. Probably from 18 to 21 or 22.

7 Q. What happened after that?

8 A. Turned to heroin.

9 Q. How were you introduced to heroin?

10 A. Just it was cheaper. And I was introduced by
11 somebody that said I had to shoot it up in a needle to use
12 it. And that's kind of when I started using heroin in a
13 needle.

14 Q. Are there other methods that you used to take
15 heroin?

16 A. I've snorted it.

17 Q. What's your preferred method?

18 A. I prefer not to do it, but preferred method at the
19 time was using -- was snorting at first. Now it's using a
20 needle.

21 Q. Have you been continuously addicted to heroin since
22 that time, since you were about 21 or 22?

23 A. Yes.

24 Q. When you first became addicted to heroin or first
25 started using heroin, how were you getting supplied?

1 A. I was getting supplied by just people who would get
2 it for me.

3 Q. You used the term "middleman", what does that mean?

4 A. That means there was somebody who knew where to get
5 heroin, and I would call them, and they would ride with me
6 and use my money to get the dope.

7 MR. UNDERWOOD: If it please the Court, Your Honor.

8 MR. GRIFFITH: If I could pull that mic closer to
9 him.

10 THE COURT: The mic is stationary. If he can help
11 him with the chair, that would be helpful. Is that better?

12 MR. GRIFFITH: Yes.

13 BY MR. UNDERWOOD:

14 Q. You mentioned riding with people. How would a
15 transaction like that, using the middleman, take place from
16 start to finish?

17 A. Basically, telling him how much money you have,
18 they say what you can get, and then they get a little bit
19 out of the bag for doing it for you.

20 Q. Why wouldn't you just go to the supplier yourself?

21 A. Sometimes you don't know them yet.

22 Q. What difference does that make?

23 A. I mean, you have to know somebody to deal with
24 somebody, you know.

25 Q. Why do you have to know them?

1 A. Just the name of the game, I guess. I mean, you
2 just have to know somebody or be introduced.

3 Q. How severe would you describe your addiction to
4 heroin?

5 A. Severe.

6 Q. Has your addiction to heroin affected your personal
7 life in any way?

8 A. It's ruined my life.

9 Q. How so?

10 A. Lost everything, lost my job, my family, my
11 friends.

12 Q. How did you end up losing those things? What about
13 your addiction made that happen?

14 A. Stealing money from them, doing stupid things,
15 always in jail.

16 Q. Obviously, based on your attire, are you in jail
17 right now?

18 A. I am.

19 Q. Why are you in jail right now?

20 A. For probation violation.

21 Q. What are you on probation for?

22 A. Second-degree burglary.

23 Q. Have you had to -- let me rephrase that question.
24 Have you ever stolen anything to support your habit?

25 A. That's how I supported my habit was stealing.

1 Q. Why wouldn't you just go and get a job to have
2 money to support your habit?

3 A. Because I got a second-degree burglary charge and,
4 I don't know, my job at the airport meant everything to me,
5 and nothing felt right since. I couldn't find anything I
6 loved like it. And with a felony, it's put a dent in any
7 kind of career that I tried to get.

8 Q. What happened that made you lose your job at the
9 airport?

10 A. I was the supervisor, so I was the only one that
11 could tow airplanes out of the hangar in the morning. And I
12 overslept two hours because I was hungover from doing pills
13 all night.

14 Q. So that was before you started using heroin?

15 A. Yeah. So I lost that job due to the people not
16 being able to take off.

17 Q. As a result of that, you mentioned, obviously, the
18 burglary charge. Have you had several arrests and
19 convictions for stealing related to your addiction?

20 A. I have.

21 Q. Mr. Valentine, I want to take you back to the year
22 2014. At that time, who were you getting your heroin from?

23 A. 2014?

24 Q. Yes.

25 A. I guess The Boys.

1 Q. Who were The Boys?

2 A. Dealers I met on College Park and Ladson.

3 Q. How did you meet them?

4 A. Through a girl and another friend.

5 Q. Tell the jury how that happened.

6 A. Well, the girl was middleman for me. And then when
7 she was kind of gone, I moved in with a friend. And he had
8 the direct connection to them as well. And when he moved
9 away, I was given the phone number. And then I started to
10 call them myself.

11 Q. Who was the girl?

12 A. Her name was Bianca.

13 Q. You mentioned that Bianca was middleman for you.
14 How often would that happen?

15 A. Every day, well, until I didn't see her anymore. I
16 mean, that was like a couple-week-long period, like six-week
17 long period, I guess.

18 Q. Do you remember what time frame that was, what
19 month, what part of the year?

20 A. It was probably just 2014, like you said, prior --
21 warmer months, so probably summer.

22 Q. How long was Bianca middlemanning for you?

23 A. I think she just did it three to five weeks, maybe
24 three to six.

25 Q. How many times a day would you go?

1 A. Maybe up to two times, two or three.

2 Q. How much heroin would you get on each of those
3 transactions?

4 A. Maybe half gram to a gram and a half.

5 Q. Would Bianca get heroin?

6 A. I don't know if she purchased any, but she would
7 get some out of mine.

8 Q. Why would she get some out of yours?

9 A. For doing the favor.

10 Q. Did Bianca use heroin as well?

11 A. She did.

12 Q. Where would Bianca -- well, who drove you or
13 Bianca?

14 A. I drove.

15 Q. Where would you drive Bianca to get the heroin?

16 A. Trailer park on College Park Road.

17 Q. Do you remember the name of the trailer park?

18 A. I do not know the name of the trailer park.

19 Q. Do you remember the street?

20 A. Arno.

21 Q. Was that the only place that Bianca took you?

22 A. Yeah, but -- I mean, yeah, she just took me
23 there.

24 Q. When Bianca took you there, did you ever go inside?

25 A. No.

1 Q. Did you ever see who she was getting the drugs
2 from?

3 A. No.

4 Q. Are you aware of any other locations that Bianca
5 went to get heroin for you?

6 A. No, she just took me to College Park motel.

7 Q. What happened after Bianca was no longer serving as
8 your middleman?

9 A. I was on a rough patch, and I was staying with a
10 friend. And then he was kind of doing that.

11 Q. What was your friend's name?

12 A. J.T.

13 Q. Did J.T. have a source of supply for heroin?

14 A. He did.

15 Q. Who was his source of supply?

16 A. The Boys as well.

17 Q. Was it the same group?

18 A. Same group, uh-huh.

19 Q. When did you begin using J. T. as your middleman?

20 A. Right when Bianca left.

21 Q. Was there a time period in between, or was it
22 immediate?

23 A. It was pretty much immediate, right after she was
24 gone.

25 Q. Where would J.T. take you to get the heroin?

1 A. Either College Park or Ladson Road.

2 Q. When you say College Park --

3 A. The trailer park on College Park.

4 Q. The same one?

5 A. The same one.

6 Q. You mentioned Ladson, where in Ladson?

7 A. I think the name was Fairlawn.

8 Q. Do you remember what street?

9 A. I forget the name of the street.

10 Q. What kind of a building was it?

11 A. Just a one-story building. I don't know.

12 Q. Was it a house?

13 A. Oh, yeah, it was a house, yeah.

14 Q. When you first started dealing with J.T., which
15 location did he take you to?

16 A. The Ladson one.

17 Q. How often would J.T. take you to Ladson?

18 A. Every day.

19 Q. How much heroin would you get each time?

20 A. Probably about a gram and a half. He would
21 probably get about the same.

22 Q. Did you ever go, at that time, while J.T. was your
23 middleman, did you ever get to go inside the house?

24 A. No.

25 Q. Did you ever see who J.T. was getting the heroin

1 from?

2 A. No.

3 Q. How long were you going to that house in Ladson
4 before J.T. took you to the College Park area?

5 A. I mean, it just depended on who was readily
6 available, you know. We would go to both.

7 Q. You mentioned it depended on -- I understand, if I
8 heard you, who was available; is that what you said?

9 A. Yes, first person we would get to.

10 Q. What do you mean by who was available?

11 A. Which person in the group would answer the phone
12 first, who would come through first.

13 Q. How would you contact the group?

14 A. Well, he would call through the phone.

15 Q. Did Bianca do the same thing?

16 A. Yep.

17 Q. Do you know who Bianca was contacting?

18 A. Somebody Mo and Q. That's all I know.

19 Q. Do you know who J.T. was contacting?

20 A. Same names.

21 Q. Mo and Q? You mentioned depending on who was
22 available. Explain to the jury how that worked.

23 A. I mean, it's really who was available is who is
24 there with the heroin and ready for us to come through
25 immediately.

1 Q. How many people were involved in this group that
2 you called The Boys?

3 A. I would assume --

4 MS. JOHNS: Objection, Your Honor.

5 THE COURT: Basis?

6 MR. GRIFFITH: Objection. Calls for conjecture.

7 THE COURT: Please approach.

8 (Whereupon, the following bench conference takes
9 place.):

10 MR. UNDERWOOD: I asked him how many people were
11 involved in this group, how many people.

12 THE COURT: You have to establish that he was there
13 and walked out to meet The Boys.

14 (Whereupon, bench conference ends.)

15 THE COURT: Rephrase.

16 BY MR. UNDERWOOD:

17 Q. How long did J.T. serve as your middleman?

18 A. A few months.

19 Q. Do you remember when he stopped?

20 A. He decided to pack up and leave his home, try to
21 get clean.

22 Q. Do you remember when that was?

23 A. Probably end of the summer of 2015.

24 THE COURT: Sir, can you speak up for us, please?

25 THE WITNESS: 2015 I'm guessing. It was awhile

1 ago.

2 BY MR. UNDERWOOD:

3 Q. After J.T. left, how did you get heroin?

4 A. I got the number to The Boys myself and started
5 getting heroin for myself.

6 Q. How did you get the number for The Boys?

7 A. J.T.

8 Q. I'm sorry, can you speak up?

9 A. J.T.

10 Q. How did you get it from him?

11 A. I asked for it and he gave it to me.

12 Q. Did you call that number?

13 A. I did.

14 Q. Did anyone answer it?

15 A. They did.

16 Q. Who did you speak to?

17 A. Mo.

18 Q. Is that the first time you had ever had direct
19 interaction with Mo?

20 A. That is.

21 Q. What happened in that phone call?

22 A. I told him the situation of people being gone. And
23 he had seen me, my car, at least a few times. I know he had
24 to have. And I told him that I needed dope. And he said
25 come on.

1 Q. Where did he tell you to go?

2 A. College Park.

3 Q. Where on College Park?

4 A. That street I told you, Arno.

5 Q. Did you go?

6 A. I did.

7 Q. What happened when you got there?

8 A. I was sold heroin.

9 Q. Where did the sale take place?

10 A. In the driveway.

11 Q. Who sold the heroin to you?

12 A. Mo.

13 Q. Do you remember how much heroin it was?

14 A. Probably about gram and a half.

15 Q. Was anyone else there?

16 A. Not that I recall. Not at that time.

17 Q. After that transaction, when was the next time
18 you've talked to Mo?

19 A. Probably the next day.

20 Q. What happened the next day?

21 A. Same thing.

22 Q. If you could elaborate, please.

23 A. Called and asked to buy dope, and I was told to
24 come over.

25 Q. Did you go to the same place?

1 A. Yeah. I knew I went there a couple of times before
2 I went anywhere else.

3 Q. You said a couple of times, meaning two, or couple
4 times meaning a random number?

5 A. A random number, probably six or seven times.

6 Q. How much heroin would you buy at that location each
7 time?

8 A. When my addiction started getting bad, I was
9 running no less than a half gram, but I was -- I mean, if it
10 was a bad day, I would try to get almost a gram to a ball.

11 Q. When you say "a ball", what does that mean?

12 A. That means 3.5 grams.

13 Q. Did anyone other than Mo at that trailer sell you
14 heroin?

15 A. Another person, but I don't know their name or
16 anything like that.

17 Q. Do you remember what they looked like?

18 A. Rick Ross.

19 Q. Excuse me?

20 A. The singer, Rick Ross.

21 Q. He looked like the singer Rick Ross?

22 A. Yeah. If you want me to elaborate, beard, big,
23 tall, black guy, beard, always had shades on.

24 Q. How many times did you buy from that individual you
25 called Rick Ross?

1 A. Several, up to probably -- I probably seen him like
2 20 or 30 times.

3 Q. How many times at that particular location?

4 A. I only seen him at that location. It was probably,
5 like I said, 20 or 30 times.

6 Q. What happened in those 20 to 30 times?

7 A. Just buy dope every time, rolled up, bought it,
8 left.

9 Q. Did you ever stay to socialize?

10 A. No.

11 Q. What was the most amount of heroin you purchased,
12 first from the individual you just referred to as Rick Ross?

13 A. A ball or 3.5 grams.

14 Q. How often would you buy that much?

15 A. Often.

16 Q. What does often mean?

17 A. At least four days of the week, three days.

18 Q. For how long of a period of time?

19 A. Probably about eight months to a year, I would
20 assume. I don't know. It's been a while.

21 Q. What about Mo, how many times at that location did
22 you buy from Mo in total?

23 A. Probably about 20 times.

24 Q. Was the ball, the 3.5 grams, is that the largest
25 amount you ever bought from that group?

1 A. I've bought a quarter.

2 Q. What is a quarter?

3 A. 7 grams.

4 Q. Is that referred to as a quarter of an ounce?

5 A. Quarter of an ounce.

6 Q. Did you buy from any other individuals at that
7 trailer on Arno?

8 A. Not really.

9 Q. Did you ever see anyone else there buying heroin
10 while you were there?

11 A. There was a little bit of traffic, yeah.

12 Q. What do you mean by a little bit of traffic?

13 A. I've seen people come through there the same time,
14 you know.

15 Q. What were they doing?

16 A. The same thing I was.

17 Q. Which was?

18 A. Buying heroin.

19 Q. How much were you charged for heroin by Mo?

20 A. \$160 a gram.

21 Q. Did you have a different price when you dealt with
22 Rick Ross?

23 A. No.

24 Q. Do you know any of the other individuals you said
25 that were coming and going you referred to as traffic?

1 A. No, not really, no.

2 Q. Were there any other locations that you went to get
3 heroin from Mo?

4 A. Ladson.

5 Q. And is that the same house you referred to
6 earlier?

7 A. It is. That's the only two places I've ever been.

8 Q. When did you start going to the house in Ladson?

9 A. Around the same time, after the six or seven times
10 I went to College Park, you know, just they all -- I mean, I
11 guess everyone was kind of a group, so just was sent
12 whichever way.

13 Q. Did you start going to Arno, stop and then go to
14 Ladson, or were you going to both?

15 A. Back and forth.

16 Q. Who would you deal with when you went to the house
17 in Ladson?

18 A. Q.

19 Q. Who was Q?

20 A. Part of the group.

21 Q. How did you meet Q?

22 A. Mo.

23 Q. What happened?

24 A. Mo just sent me there.

25 Q. Why did Mo send you to Q?

1 A. Because I guess Mo is the leader.

2 MS. JOHNS: Your Honor, I object.

3 THE COURT: Sustained. Speculation. Lack of
4 foundation.

5 Ladies and gentlemen, you will disregard the last
6 question and answer. Give it no consideration in your
7 deliberations. You may rephrase the question.

8 BY MR. UNDERWOOD:

9 Q. What was the purpose for your being sent to Q?

10 A. College Park, people are busy, I guess.

11 Q. Why did you go to Q?

12 A. Because he was available.

13 Q. Available for what?

14 A. To serve me.

15 Q. And by "serve you", what do you mean?

16 A. Sell me dope.

17 Q. What kind of dope?

18 A. Heroin.

19 Q. That first time, did you contact Q directly?

20 A. No, I think I was just sent there.

21 Q. How were you sent there?

22 A. Mo told me over the phone to just go to him.

23 Q. And why did you -- why were you speaking to Mo on
24 the phone at that time?

25 A. Because that was the number I had at first, the

1 only number I had, as I recall.

2 Q. You said at first. Did you later have another
3 number?

4 A. Yeah.

5 Q. What was -- who had that other number?

6 A. I'm sorry. What was the question?

7 Q. You said you had Mo's number, then you had another
8 number. Whose number was the next number?

9 A. Q.

10 Q. Who gave you Q's number?

11 A. Mo.

12 Q. For what purpose did he give you that number?

13 A. So I could go there to get dope, Ladson.

14 Q. The first time that you went there to Ladson, did
15 you go inside?

16 A. I did.

17 Q. What happened when you got inside?

18 A. Checked for a wire and sold dope.

19 Q. What do you mean "checked for a wire"?

20 A. Patted down.

21 Q. You were patted down?

22 A. I was patted down.

23 Q. Who patted you down?

24 A. Q.

25 Q. Was anyone else there?

- 1 A. No.
- 2 Q. After you were patted down, what happened?
- 3 A. I was sold dope and left.
- 4 Q. How much were you sold?
- 5 A. Probably about a gram, around that.
- 6 Q. What kind of drugs was the dope?
- 7 A. It was heroin.
- 8 Q. How much did you pay for it?
- 9 A. Probably \$160. If it was a gram, 160.
- 10 Q. After that interaction, did you go back to Q?
- 11 A. Yeah, I went back and forth to both locations.
- 12 Q. How often would you go to Q's house?
- 13 A. Off and on, I mean, 50/50 really.
- 14 Q. How many times do you think you went to Q's house?
- 15 A. Numerous. If I had to put a number on it, maybe
- 16 like 100, 100 times or so. I don't know.
- 17 Q. What did you do each of those times?
- 18 A. Bought heroin.
- 19 Q. Was there any other reason for you to go there?
- 20 A. No.
- 21 Q. How much heroin would you buy from Q at a time on a
- 22 regular basis?
- 23 A. Anywhere from half gram to a ball.
- 24 Q. Did you ever purchase more than a ball from Q?
- 25 A. No.

1 Q. Did you ever see anyone else at Q's house?

2 A. Rarely.

3 Q. Who?

4 A. Friends, I guess.

5 Q. Do you know any of their names?

6 A. I don't.

7 Q. Was Mo ever at Q's house?

8 A. I've never seen him there.

9 Q. Where have you seen Mo?

10 A. College Park.

11 Q. Anywhere else?

12 A. No.

13 Q. Do you know where Mo lived?

14 A. I do not.

15 Q. You've mentioned the term The Boys several times.

16 Who are The Boys?

17 A. Just a group of people doing what I've been talking
18 about. That is just what they were referred to by, I guess,
19 J.T. mostly. That's just kind of the name that was picked
20 up on.

21 Q. How many of the people in that group that you call
22 The Boys have you personally met?

23 A. Pretty much just who we talked about.

24 Q. For the jury, please say the names.

25 A. Mo and Q.

1 Q. Did you ever meet anyone else in that group?

2 A. Not that we talked about. The guy with the beard
3 and the glasses, I don't know his name.

4 Q. The person that you referred to as Q, do you know
5 his real name?

6 A. I do not.

7 Q. Is the person you know as Q in the courtroom today?

8 A. Yes.

9 Q. Where is he?

10 A. There. (Witness indicating.)

11 Q. Would you describe his clothing, please?

12 A. Blue collar button-up.

13 MR. UNDERWOOD: Your Honor, I ask the record to
14 reflect that he's indicated the defendant Emory Roberts.

15 THE COURT: You may proceed.

16 BY MR. UNDERWOOD:

17 Q. The individual you know as Mo, do you see him here
18 in the courtroom today?

19 A. No.

20 MR. UNDERWOOD: Permission to approach the witness,
21 Your Honor.

22 THE COURT: You may.

23 MR. UNDERWOOD: If I may publish State's Exhibit
24 42.

25 Q. Do you recognize that individual?

1 A. Yeah.

2 Q. If you could speak into the microphone, please.

3 A. Yeah.

4 Q. Who is that?

5 A. That looks like Mo.

6 Q. Do you know Mo's real name?

7 A. I do not.

8 Q. Did you ever have any discussions with Mo about how
9 the group that you knew as The Boys was put together?

10 A. No.

11 Q. Do you know from your own personal knowledge who
12 was in charge of that group?

13 A. Seemed like Mo was.

14 Q. What did you observe --

15 MS. JOHNS: Objection, Your Honor.

16 THE COURT: Basis?

17 MS. JOHNS: Speculation.

18 THE COURT: Overruled.

19 BY MR. UNDERWOOD:

20 Q. What did you observe to make you think that?

21 A. Just the way things were handled, I guess.

22 Q. What about the way things were handled?

23 A. Seemed like he was in charge.

24 Q. Give an example. What happened that made it seem
25 like he was in charge?

1 A. Phone calls, just demeanor, really, and
2 interactions. Just seemed like -- you know if you rolled
3 into a business, you can tell who the general manager is.
4 You know what I'm saying?

5 Q. You mentioned the calls, what do you mean by calls?

6 A. Calls.

7 Q. What about the calls that made it seem like he was
8 in charge?

9 A. I don't know. I would call him to kind of get the
10 direction.

11 Q. What about his demeanor made you think that he was
12 in charge?

13 A. Just how he gave direction, you know he was in
14 charge.

15 Q. Who did he give direction to?

16 A. Me and whoever was -- he was in charge of.

17 Q. Who was he in charge of?

18 A. The Boys, I guess.

19 Q. If you could just refer to their names, who would
20 he give directions to?

21 A. I mean, I guess he could tell Q sometimes --

22 MS. JOHNS: Your Honor, objection.

23 THE COURT: Sustained. Speculation, lack of
24 personal knowledge. You can establish foundation for his
25 rational perception if you can continue to pursue this line

1 of questioning. Please proceed.

2 BY MR. UNDERWOOD:

3 Q. Please don't guess. Based on what you have
4 actually seen or heard, what made you think that?

5 A. He's in charge. I just know that. I mean, you
6 just know when someone is in charge, just like I know this
7 judge is in charge. There's a jury. They are making the
8 decision, but I know this judge is in charge.

9 Q. Well spoken, sir.

10 MS. JOHNS: Objection, Your Honor.

11 THE COURT: Basis?

12 MS. JOHNS: Editorializing.

13 THE COURT: I will let it slide. Overruled.

14 BY MR. UNDERWOOD:

15 Q. In total, do you have any idea how much heroin you
16 bought from the group you know as The Boys?

17 A. I don't know an exact number, but I would say a
18 lot.

19 Q. Do you have any idea how much money you've paid
20 them for heroin?

21 A. Thousands.

22 Q. To your knowledge, did Mo use drugs?

23 A. No, I don't think so.

24 Q. To your knowledge, did Q use drugs?

25 A. No, I don't think so.

1 Q. Why don't you think so?

2 A. Just, I don't think they used drugs. Never did see
3 any kind of addiction or anything, you know, that would make
4 me believe that they were on drugs.

5 Q. Did either of them every demonstrate the kind of
6 symptoms you described earlier of withdrawal?

7 A. No.

8 MR. UNDERWOOD: Thank you. Please answer any
9 questions opposing counsel has for you.

10 MR. GRIFFITH: If it please the Court, Your Honor.

11 THE COURT: Mr. Griffith.

12 CROSS-EXAMINATION

13 BY MR. GRIFFITH:

14 Q. Mr. Valentine, thank you for coming. Who was J.T.?

15 A. A friend.

16 Q. What does J.T. stand for?

17 A. Actually, I don't know.

18 Q. Were you offered any consideration under your
19 charges to testify here today?

20 A. No, I'm still in chains.

21 Q. No one has offered you to say anything to the
22 solicitor for you -- has someone offered to say something to
23 the solicitor for your --

24 A. No, I've already been charged.

25 Q. So what year did you say you first started that you

1 met Q and Mo? What year would that be?

2 A. I guess met personally was 2015, late 2015.

3 Q. What month 2015?

4 A. Probably springtime. I don't remember it being
5 cold, so probably spring or summer.

6 Q. Was it 2014 or 2015?

7 A. It was -- I think actually started 2014 is when I
8 started getting middleman, and then kind of got them myself.
9 And then it ran into 2015.

10 Q. I mean, specifically Q, what year and what month
11 did you first encounter Q?

12 A. I couldn't tell you the month.

13 Q. Well, what year?

14 A. Probably 2014 or '15. I know it was one of them
15 times.

16 Q. You don't know which year it was, '14 or '15?

17 A. It was probably late '14 and ran into '15.

18 Q. Would it surprise you to find out that Mr. Roberts
19 was in New York until March of 2015?

20 A. Maybe it was 2015, but I know it was that time
21 period.

22 Q. When you called that telephone number, the one that
23 you said -- would a different person answer that telephone
24 different times?

25 A. Which telephone number are you referring to?

1 Q. You said first you had one number and different
2 people --

3 A. Right, Mo's phone number first.

4 Q. Would Mo always answer that phone?

5 A. Yes.

6 Q. No one else answered it?

7 A. Not that I knew.

8 Q. What about the second phone number, who answered
9 that?

10 A. Q.

11 Q. Did anybody else ever answer it?

12 A. No.

13 Q. We were talking about The Boys. Did you get that
14 name from law enforcement?

15 A. I got that name from the street. It's kind of just
16 a nickname, I guess.

17 Q. Among the users?

18 A. Yeah.

19 MR. GRIFFITH: Okay. I have no further
20 questions.

21 THE COURT: Ms. Jones.

22 MS. JOHNS: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MS. JOHNS:

25 Q. Mr. Valentine, what did you plan on doing with your

1 career at the private airport?

2 A. Actually, two weeks before I was fired, the
3 regional manager told me I was going to be a general manager
4 there for Virginia, a little airport. So I planned to just
5 further grow in the company, really.

6 Q. That was a company that you started or were you
7 working for a company?

8 A. No, further grow in the company that I worked for,
9 Atlantic Aviation.

10 Q. Did you want to get a pilot's license ever?

11 A. Yeah. Why not?

12 Q. Did you work on that at all?

13 A. I did not. Actually, I flew a couple of times with
14 out of Mount Pleasant, but it wasn't any logged-in hours.

15 Q. And there's certainly options out there where you
16 could learn to get a pilot's license locally, correct?

17 A. Yes, there is.

18 Q. Did you ever pursue any of that at all?

19 A. Not since my addiction. I haven't pursued
20 anything.

21 Q. Before your addiction, did you pursue anything of
22 value?

23 A. Before my addiction?

24 Q. Yes, sir.

25 A. That's all I did was try to succeed.

1 Q. And then you said that this monster came in to your
2 life, right?

3 A. Right.

4 Q. It was introduced to you by a woman, Bianca, right?

5 A. Yes.

6 Q. Was Bianca your girlfriend?

7 A. No.

8 Q. Okay. Did she ever become your girlfriend?

9 A. No.

10 Q. Y'all did not have a relationship?

11 A. We had no kind of emotional or physical
12 relationship.

13 Q. And you say that this addiction to heroin began
14 because you were using it with opioids?

15 A. Yes.

16 Q. And opioid was for pain, because you had dry
17 sockets?

18 A. Yes.

19 Q. After your wisdom teeth were removed?

20 A. Yes.

21 Q. All four of them were removed?

22 A. All four.

23 Q. You were how old then?

24 A. About 17, almost 18.

25 Q. Had you graduated from high school yet?

1 A. I was just about to graduate.

2 Q. Did you ever graduate?

3 A. I did.

4 Q. Did you get a GED or did you get a high school
5 diploma?

6 A. I got a high school diploma.

7 Q. From what school?

8 A. Fort Dorchester.

9 Q. How did you meet Bianca?

10 A. She was ex-girlfriend of a friend, and I just kind
11 of got in touch with her because I knew she used.

12 Q. Oh, okay. So you sought her out?

13 A. Yeah, I did.

14 Q. And you knew she used what?

15 A. Heroin.

16 Q. Okay. So you want this --

17 A. I'm sorry. I knew she got high. And then I was
18 kind of introduced to heroin.

19 Q. You knew she got high?

20 A. Right.

21 Q. What did she get high on?

22 A. I knew she got high on opioids, or whatever, pills.
23 I was just trying to get pills at the time, kind of led to
24 heroin.

25 Q. So when you say you knew she got high, you are not

1 being drug specific about what she got high on; you just
2 knew she did drugs?

3 A. No, I knew from her and her ex-boyfriend's
4 relationship they used pills, opioids.

5 Q. And what else?

6 A. I mean, they used an assortment of drugs, but I
7 knew that was their main choice.

8 Q. What was her boyfriend's name?

9 A. Justin.

10 Q. All right. How was he your friend?

11 A. We just kind of linked up somehow. I don't know,
12 mutual friends.

13 Q. Mutual friends?

14 A. Yeah.

15 Q. You don't have any recollection of the meeting?

16 A. Of the meeting?

17 Q. Yeah.

18 A. I don't.

19 Q. Were you all getting high together?

20 A. We knew each other before we got high.

21 Q. So did Justin just end up calling you one day and
22 say, hey, bro, let's hang out?

23 A. No.

24 Q. Did you call him and ask him that?

25 A. I didn't really care to hang out with him that

1 much. I just knew what he was into, and that was that.

2 This whole town is basically on drugs now.

3 Q. Okay.

4 A. You know, seeing it, it's bad.

5 Q. Whose fault is that, do you think?

6 A. I don't know, whoever is shipping in a bunch of
7 heroin.

8 Q. And you are buying it, right?

9 A. I was.

10 Q. Okay. Now, you stated that you are currently at
11 the Dorchester County Detention Center; is that right?

12 A. I am.

13 Q. And how long have you been there?

14 A. I've been there seven days tomorrow.

15 Q. I'm sorry, repeat that.

16 A. Seven days tomorrow.

17 Q. Seven days. Seven days?

18 A. Yeah.

19 Q. Okay. How are you feeling?

20 A. I feel okay today.

21 Q. Okay. What about yesterday, was it a bad day?

22 A. Yesterday was a better day.

23 Q. Okay.

24 A. A few days before that was a little rough.

25 Q. Are you getting any medication or treatment while

1 you are in the county jail?

2 A. No.

3 Q. Okay. And so it's just cold turkey for you?

4 A. It was this time.

5 Q. What about last time?

6 A. Last time I withdrew from was 40 days long.

7 Q. Did you get any help with any medication then?

8 A. About three weeks after I got there, because

9 medical treatment in jail is not the best.

10 Q. Right. So you got clean because you were there for
11 four months, right?

12 A. I was there for -- I was in jail for like three
13 months.

14 Q. Three months? That was a whole 90 days. And you
15 were clean, right?

16 A. I was clean.

17 Q. And you got released; is that right?

18 A. Then I got released.

19 Q. You got placed on probation?

20 A. Got placed on probation.

21 Q. As soon as you got placed on probation, how long
22 did it take you before you went back out on the streets and
23 decided that you wanted to buy heroin again?

24 A. Two days.

25 Q. Somebody force you to go buy heroin after that

1 stint in jail?

2 A. No.

3 Q. Your choice, wasn't it?

4 A. It was my choice.

5 Q. You said you lost your family because of your drug
6 addiction?

7 A. Yeah, I've lost a lot.

8 Q. Does that mean your mother and father?

9 A. I have my mother and my sister.

10 Q. Okay. Did they try to help you out the best they
11 know how?

12 A. They did.

13 Q. You stole from your mother before, right?

14 A. I have.

15 Q. You stole from your sister too, right?

16 A. I have, not in a long time, but I have.

17 Q. Okay. And when this was going on and somebody,
18 your mother, became concerned about you, you lied to her,
19 didn't you?

20 A. Yeah. I guess I tried to hide my addiction as long
21 as I could.

22 Q. By hiding that, that means that you lied to her,
23 did you not?

24 A. I mean, I guess, yeah. I lied to my mom as
25 probably anybody would at that age doing those drugs would

1 probably lie to their mom.

2 Q. And you lied to her when you stole from her, didn't
3 you?

4 A. Yes.

5 Q. And --

6 A. Well, tried to. She knew, because she's a mom.

7 Q. All right. You lost a lot of friends as well,
8 didn't you?

9 A. I have lost friends, but I have friends that still
10 locate me.

11 Q. I'm sorry. I didn't mean to interrupt you.

12 A. I didn't mean to interrupt you.

13 Q. So you lost friends to this addiction?

14 A. I have.

15 Q. But you've made new friends through this
16 addiction?

17 A. I have.

18 Q. And they are users, aren't they?

19 A. Some are users and some are not. I have a 50/50
20 set of group of friends. I would say the ones that don't
21 use are the better ones.

22 Q. All right. Now, you also said that you did stupid
23 things because of this addiction. Do you remember saying
24 that, when you were talking to Mr. Underwood?

25 A. Sure, yeah.

1 Q. What were some of those stupid things?

2 A. Shoplifting, pretty much just taking drugs.

3 Q. Do you think stealing something that doesn't belong
4 to you is a very honorable thing to do?

5 A. I think it's a very dishonorable thing to do.

6 Q. But you did it anyway?

7 A. Well, drugs are very expensive. And when you are
8 sick, you do anything to fix that.

9 Q. Do you know what it means to Google something?

10 A. To Google?

11 Q. Yes, sir.

12 A. I do.

13 Q. Would you be surprised to know that if you Googled
14 heroin treatment, Berkeley County or Charleston, South
15 Carolina, do you know how many Google searches come up?

16 A. Well, I wouldn't know, because I've searched
17 everywhere for help. I don't have insurance. So there's
18 not very much help for someone without insurance.

19 Q. Would you be surprised that there are some services
20 that are at no cost?

21 A. They are not in town.

22 Q. Okay.

23 A. That I know of.

24 Q. Have you ever heard of Serenity Place?

25 A. That name rings a bell. Where is that at?

1 Q. That's local.

2 A. Could you please tell me what area?

3 Q. I don't know.

4 A. Well, if it is, I bet it takes a long time to get
5 in.

6 Q. What about your family, do they have the ability to
7 help you get off heroin?

8 A. My mom just lost pretty much everything in a
9 divorce to my dad, who was military, who had insurance. I
10 could have been on insurance until I was 26 or 23, whatever
11 it was. But he cut me off because he found out I was a user
12 and left my mom.

13 Q. So he left your mom because of you?

14 A. Pretty much what it looks like. He made it look
15 like in the divorce. He left my mom because they had
16 problems, but he used me as a lot of defense in the
17 divorce.

18 Q. And why was he not happy with the way your mom was
19 handling the situation?

20 A. Oh, I didn't ever say he wasn't happy with the way
21 my mom was handling the situation. They were unhappy. They
22 weren't in love anymore.

23 Q. You got the feeling he blamed you?

24 A. I got the feeling he was worried about his career
25 because of my decisions.

1 Q. Why would you think he would be concerned about
2 that?

3 A. Because he's Air Force.

4 Q. And why would that upset his job?

5 A. I don't know. Honestly, I resent him very much for
6 leaving the way he did. I don't know. I really don't
7 understand the whole situation. It still bothers me today.

8 Q. So some of the other stupid things you did is that
9 you would leave your house in the middle of the night,
10 right, and not come home for days? This is some of the
11 stupid things you would do when you were living with your
12 mom?

13 A. I've done that, but I'm also an adult, so I can do
14 that.

15 Q. Right. Okay. And you also said that you used to
16 steal to support your habit; is that right?

17 A. Uh-huh.

18 Q. In fact, you have that conviction for a burglary,
19 second degree?

20 A. Yep.

21 Q. And that's housebreaking, isn't it?

22 A. Yes.

23 Q. And you broke into somebody's house when they
24 weren't home, didn't you?

25 A. I did.

1 Q. And you stole things from them, didn't you?

2 A. I pawned their lawn equipment while they were out
3 of town, thinking I could get it back before they got back.
4 That's what happened.

5 Q. Did you know these people?

6 A. They were my neighbors.

7 Q. What year did you start using heroin,
8 Mr. Valentine?

9 A. 2014 or '15.

10 Q. The first time you bought heroin, who did you buy
11 it from?

12 A. First time I got heroin was middleman through
13 Bianca. Like I say, first time I bought heroin was when I
14 went to Mo.

15 Q. So earlier when you said that you got your heroin
16 from J.T., that wasn't true?

17 A. I said those were middlemen.

18 Q. Oh, so there's a difference. I didn't know that.

19 A. Yeah. I was saying they got it for me before I met
20 anybody personally. They would get it for me. And I would
21 break them off or give them some of the drugs for doing
22 it.

23 Q. Okay. Okay.

24 A. When they were gone, then I got my drug connection
25 to them.

1 Q. Let me see if I got this straight. If you called
2 them a middleman, that means that they are not a dealer; is
3 that right?

4 A. No. They are just an addict trying to get a little
5 fix.

6 Q. An addict just trying to get a fix, so --

7 A. Pretty much, or helping me to help them, you know.

8 Q. Okay. So let me see if I get this straight. They
9 are helping you help them?

10 A. Right. I'm getting a bag with my money, but they
11 are going to get some out of that bag for doing me that
12 favor.

13 Q. Did they ever pitch in with you, some of their
14 money to get some?

15 A. Sometimes.

16 Q. So then your testimony was that they would buy the
17 heroin and then they would give you some of what they
18 bought, right?

19 A. Not out of what they got with their money, but out
20 of my money, they would get some of it. And then I got the
21 rest. And whatever they got with their money is whatever
22 they did.

23 Q. Let me see. Basically, you are going into a
24 restaurant, you are eating a meal, and you are asking for
25 separate checks; is that right?

1 A. They are taking me -- I'm taking them -- I pick
2 them up to go get heroin, because they know the heroin
3 dealer. And if they have their own money, they probably
4 don't tell me about it, or they do, just to get a deal, a
5 better deal. But most of the time it will be, I just have
6 my money, whatever they do is in their pocket, they sneak
7 that so they don't have to do nothing. The deal there is,
8 maybe they got more, you know, and give it up. I am not
9 trying to be rude. And whatever money I use to purchase
10 heroin with, they will come out, give it to me, and then I
11 will open that bag and I will give them some heroin for
12 doing that.

13 Q. So you would pay them with heroin to accommodate
14 what you needed?

15 A. Right.

16 Q. Okay.

17 A. I hope you didn't take that any kind of rude way.
18 I was just trying to explain it.

19 Q. No, not at all. Thank you for saying it.

20 So when the two of you would go and buy dope, they
21 are buying dope and you are buying dope, but you are keeping
22 your business to you and they are keeping their business to
23 them?

24 A. Yeah, most of the time.

25 Q. So when they went to get dope and they got back

1 into your car, they distributed dope to you; isn't that
2 right?

3 A. Yeah.

4 Q. And then whatever you did with your dope, if you
5 went to Bianca and you gave some to her, you are
6 distributing dope to her too, right?

7 A. Well, she would normally just pull what she needed,
8 pull what she would get out.

9 Q. Or whoever you were doing dope with, when you gave
10 it to them, you are distributing it to them, aren't you?

11 A. Well, I mean, sometimes I would give them a little.
12 But most of the time, they will take the bag and get what
13 they are going to get out of it, and then give me the bag.

14 Q. Now, you said that there's a street nickname The
15 Boys, street nickname The Boys?

16 A. Oh, yeah.

17 Q. Any other street nicknames you know about that were
18 floating around out there?

19 A. No.

20 Q. No? Okay. So how long -- when was the last time
21 you were using heroin, about a week ago?

22 A. Yeah, because I just --

23 Q. The last time you got heroin, who did you get
24 heroin from?

25 A. Some person off of Ashley Phosphate.

1 Q. Okay. Just a regular person, not a middleman?

2 A. No, I got a middleman.

3 Q. Okay. You got a middleman?

4 A. Yeah.

5 Q. Do you know who that person got it from?

6 A. Somebody named J.

7 Q. Did you ride with him to get it?

8 A. Yeah.

9 Q. Can you describe who it was that sold it to him?

10 A. I mean, I don't -- are we here to talk about that
11 though?

12 THE COURT: Sir, if you could just answer the
13 question yes or no.

14 THE WITNESS: No, I cannot describe really the
15 person.

16 Q. Can you describe the house?

17 A. Just one-story little house.

18 Q. What area of town?

19 A. Ashley Phosphate.

20 Q. Is that the only house you can get heroin from?

21 A. Yeah.

22 Q. The only house?

23 A. Yeah.

24 Q. Now, this phone number that you called, you said
25 you got this phone number because your good friend J.T.

1 moved away from Charleston area?

2 A. Yes.

3 Q. And so you knew he had a number; is that right?

4 A. Right.

5 Q. You called him and you asked him for the number?

6 A. For the phone number, yes.

7 Q. He gave you the phone number; is that right?

8 A. That's correct.

9 Q. And you are telling this jury that you dialed up
10 this phone number, and whoever answered the phone was just
11 ready to deal with you, right?

12 A. Yeah, because they've seen my car around.

13 Q. Okay. And you know that they've seen your car
14 around? How do you know that?

15 A. Because I pulled in their driveways. I would
16 assume they would have seen my car.

17 Q. All right. What kind of car was it?

18 A. Volkswagen Jetta.

19 Q. Did you say, I'm the guy with the Volkswagen Jetta?
20 That's what you told them?

21 A. Yeah.

22 Q. And the person who was on the other end of the
23 phone said, come through?

24 A. Yeah.

25 Q. Have you ever heard that person's voice before?

1 A. I had not.

2 Q. So you want this jury to believe that this boss
3 man, the one in charge, who doesn't know you, is going to
4 come out of the house and just sell you dope?

5 A. Yeah.

6 Q. Okay.

7 A. Why not?

8 Q. You said that you are here today without any
9 agreement; is that right?

10 A. Without any agreement.

11 Q. Okay. How did this agency or sheriff deputy get in
12 touch with you?

13 A. I got in touch with them.

14 Q. Okay. So you got in touch with them. Was it this
15 arrest or previous arrest?

16 A. Second-degree burglary arrest in 2015.

17 Q. So in 2015, you got in touch with them?

18 A. I did.

19 Q. And that was Dorchester County Sheriff's
20 Department; is that right?

21 A. I was in jail still and spoke with Detective
22 Melendez.

23 Q. And who does he work for?

24 A. I don't think he works for them anymore, but he
25 worked for either Summerville or Dorchester County. It

1 was -- I met him on Deming Way. I just don't know which
2 building, county it was for.

3 Q. You told him you had information that might help
4 them out?

5 A. Yeah.

6 Q. And who did he put you in touch with?

7 A. I forget his name, but it was a narcotics agent.

8 Q. What does he look like?

9 A. Long hair, white.

10 Q. How big?

11 A. Probably six-foot.

12 Q. How many times did you talk to him?

13 A. Two, three, four times.

14 Q. What did you tell him that you were expecting out
15 of your cooperation?

16 A. I was trying to look for immunity, but I ended up
17 just not really doing anything with the narcotics team.

18 Q. So when you were looking for immunity, the
19 arrangement was that you would become a confidential
20 informant, correct?

21 A. The arrangement was we just met up and talked.
22 There was no setup or anything for me to be an informant at
23 the time. We just talked. And I kind of gave them a little
24 information. Should have had a lawyer there, I guess,
25 maybe.

1 Q. When you talked to him, did he talk to you about
2 possibly cooperating with the government?

3 A. Yeah, he did.

4 Q. Now, you have some college, so I know that you are
5 a smart person.

6 A. I appreciate that.

7 Q. You had an expectation that you giving this
8 information would help you out, didn't you?

9 A. Not giving the information, maybe -- I mean, it was
10 talked about that they wanted me to buy dope. I never did
11 that.

12 Q. That means becoming a confidential informant?

13 A. Right. So I never did that, because it just didn't
14 happen. So whatever information I did give, I knew wasn't
15 going to get me out of anything. So I took my punishment
16 and got my probation, whatever, all of that.

17 Q. So you went into it without being serious?

18 A. I was serious.

19 Q. But you didn't agree to become a confidential
20 informant, did you?

21 A. I did not.

22 Q. And once you got out, two days later, you were back
23 on the street, right?

24 A. I don't know if I went exactly out that day, but it
25 wasn't long after.

1 Q. Two days later, I think you said; is that right?

2 A. Probably.

3 Q. And then when you got picked up on a probation
4 violation, you got in touch with them again, didn't you? In
5 fact, I think you spoke with Detective Wingo, did you not?

6 A. Yeah, he came and asked me if I would come
7 testify.

8 Q. Okay. And this time, you didn't want to lose your
9 opportunity, did you?

10 A. What do you mean, what opportunity?

11 Q. With your expectation of some sort of leniency?

12 A. There's nothing that can be done.

13 Q. There's nothing that can be done?

14 A. I mean, what -- there's nothing that can be done.
15 I've been charged. I violated probation.

16 Q. And you are awaiting a judge's order regarding how
17 much time is going to take away from you; isn't that right?

18 A. I'm awaiting a probation hearing that could either
19 put me in inpatient rehab or maybe prison.

20 Q. Okay. So prison is a likelihood, correct?

21 A. It is.

22 Q. You don't want to go to prison, do you?

23 A. No.

24 Q. And you did not enjoy your three months being in
25 the county jail last time, did you?

1 A. No.

2 Q. And you realize that if you contacted somebody in
3 narcotics and gave up information, that would probably set
4 you free, correct?

5 A. I didn't know if it would, but --

6 Q. But it happened, didn't it?

7 A. When was I set free? I'm sitting in chains right
8 now.

9 Q. I'm talking about when you committed the second
10 degree and grand larceny?

11 A. I wasn't set free from that.

12 Q. You were out of jail?

13 A. I bonded out.

14 Q. You bonded out and then that was after you helped
15 them, correct?

16 A. Yeah. I mean, I gave them --

17 Q. You are free, right?

18 A. I wouldn't say that. I paid for it.

19 Q. You paid for it by giving them information, right?

20 A. Why would -- you are contradicting -- you are being
21 contradictive. I paid my bond with my money.

22 Q. Why didn't you get out the first time you went for
23 a bond hearing then? Why did it take three months?

24 A. What do you mean? No, no, no, no. I missed a -- I
25 had a bench warrant for missing the court date which had my

1 first plea. So I had to sit in county -- first of all, I
2 sat in Berkeley County for two months or 40 days for two
3 shoplifting charges. Then I went to Dorchester County and
4 waited a month and a half for court for the second-degree
5 burglary.

6 Q. Okay. So you didn't show up for court and there
7 was a bench warrant?

8 A. Yes, ma'am.

9 Q. And you didn't show up to court because you were
10 addicted to heroin?

11 A. Yeah, I guess.

12 Q. Well, it's either that or you didn't know?

13 A. I missed court for personal reasons.

14 Q. Okay. And the personal reasons was the same reason
15 you lost your job at the airport; you slept in?

16 A. No, I didn't sleep in. I just -- I couldn't make
17 the court hearing. But addiction runs around it. But I
18 didn't miss it because I needed a bag of dope or something.
19 I just missed it because I had problems with my car and
20 stuff like that.

21 Q. So your car couldn't get you to court, right?

22 A. Yeah.

23 Q. And you didn't have any friends to take you?

24 A. Suspended license and car -- little car trouble
25 here and there, whatever.

1 Q. And your mom --

2 A. And money has been all spent.

3 Q. Mom wouldn't help you anymore?

4 A. No, she probably would have. I just didn't ask for
5 help that day.

6 Q. All right. When you are talking about the trailer
7 on Arno Drive, who lived there?

8 A. I don't know who owned that or lived there, but I
9 just went there to get drugs.

10 Q. And did you say in your direct testimony that when
11 you went there, you never went in that house?

12 A. I've never been in that house.

13 Q. When you went to the house in, I guess, Ladson, did
14 you go in that house?

15 A. I have been in that house.

16 Q. When you went in that house, you never saw Justin
17 Hunter, did you?

18 A. Who?

19 Q. Justin Hunter?

20 A. Who is that?

21 MS. JOHNS: Right. I have no further questions.

22 THE COURT: Any redirect?

23 MR. UNDERWOOD: Court's indulgence, please.

24 REDIRECT EXAMINATION

25 BY MR. UNDERWOOD:

1 Q. Sir, when did you stop dealing with The Boys?

2 A. I guess after I got out of jail, really, for --
3 actually, been a few months after I got out of jail for the
4 second-degree or bonded out.

5 Q. When was that?

6 A. That was 2015.

7 Q. Do you remember what time of year?

8 A. I think it was -- maybe March or April, I don't
9 know.

10 Q. Excuse me?

11 A. March or April. I don't know. I don't remember it
12 being cold.

13 Q. You mentioned that after you got out of jail the
14 first time you were clean for two days. Who did you go to
15 after two days?

16 A. I think I actually got middleman, because I owed
17 them money. So I think we went to The Boys, but I got
18 middleman.

19 Q. Why did you owe them money?

20 A. I don't remember.

21 Q. Who middlemanned for you?

22 A. I do not remember. I'm assuming -- I hate to say
23 it, but I'm pretty sure that's how it went down, because I
24 owed them money and they don't want to do it until I pay
25 them.

1 Q. Why would you have a debt to them?

2 A. Maybe got fronted.

3 Q. What's fronted?

4 A. Loaned.

5 Q. Loaned what?

6 A. Heroin.

7 Q. How does that arrangement work?

8 A. Just ask for -- say, hey, you know, can I get a
9 front, which is a loan, and I will pay you back. And it's
10 up to them.

11 Q. When you say a loan, what are you getting?

12 A. I'm getting the dope before the money is there.

13 Q. Like a credit arrangement?

14 A. Credit.

15 Q. Mr. Valentine, has all the testimony you've given
16 here today been truthful?

17 A. As truthful as I could be.

18 MR. UNDERWOOD: No further questions, Your Honor.

19 THE COURT: Any objection to the witness being
20 excused, from the State?

21 MR. UNDERWOOD: None, Your Honor.

22 THE COURT: From the defense, Mr. Griffith?

23 Mr. Griffith, any objection to the witness being excused?

24 MR. GRIFFITH: No objection, Your Honor.

25 THE COURT: Ms. Johns?

1 MS. JOHNS: No, Your Honor.

2 THE COURT: Sir, you are excused.

3 Madam Forelady, ladies and gentlemen, we are going
4 to take advantage of this break in testimony to take a brief
5 restroom break. During the break, please do not discuss the
6 case. And please leave your notepads in your seats.

7 (Whereupon, the jury leaves open court at 4:02
8 p.m.)

9 THE COURT: We will be at ease for about five
10 minutes so the jury can use the restroom.

11 (Whereupon, a recess transpired.)

12 (Whereupon, the jury returns to open court at 4:12
13 p.m.)

14 THE COURT: The State ready?

15 You may call the next witness.

16 MR. FERNANDEZ: Thank you, Your Honor. May it
17 please the Court. The State calls Aaron Rawl.

18 THE COURT: Sir, if you would state your full name
19 and spell your last name.

20 THE WITNESS: R-a-w-l, Aaron.

21 AARON RAWL,

22 having been duly sworn, testifies as follows:

23 DIRECT EXAMINATION

24 BY MR. FERNANDEZ:

25 Q. Lieutenant Rawl, please introduce yourself to the

1 jury and give them a little information about yourself, your
2 education and your current work.

3 A. Lieutenant Aaron Rawl with State Law Enforcement
4 Division. Been there 10 years. First four years were with
5 the Grand Jury. After that I was on DEA task for four years
6 and came back and now I'm lieutenant over one of our
7 narcotics unit.

8 Q. And when did you get involved in law enforcement,
9 what year?

10 A. 2007.

11 Q. And did you attend college anywhere?

12 A. Yeah, University of South Carolina, graduated with
13 a master's in political science and minor in business.

14 Q. And what type of responsibilities have you had
15 throughout your time in SLED? I know you mentioned Grand
16 Jury.

17 A. Grand Jury, I did some undercover, then was a case
18 agent on a few case. Initiated cases, investigated them
19 from start to finish. And then at a DA, I worked on federal
20 conspiracy cases, wire taps, all sorts of things there. And
21 then back at the Grand Jury, again same thing, working large
22 conspiracy cases throughout the State and different
23 counties. Now as lieutenant, I supervise six agents right
24 now.

25 Q. Lieutenant Rawl, is it safe to say that most of

1 your experience has been in the narcotics realm and
2 conspiracy cases?

3 A. My entire career at SLED has been in narcotics.

4 Q. Lieutenant Rawl, did you have occasion to assist
5 with the investigation we are here for this trial?

6 A. I did.

7 Q. What was your -- what role did you play in
8 assisting in the investigation?

9 A. I executed one of the search warrant at [REDACTED] Bear
10 Island Road, Apartment [REDACTED], summerville.

11 Q. And how was that search warrant obtained for [REDACTED]
12 Bear Island Road?

13 A. Justin Wingo, I believe, was the applicant on the
14 warrant signed in the county of Berkeley. I can't tell the
15 judge's signature, but through a circuit court judge.

16 Q. And who was Justin Wingo?

17 A. He's the case agent on this case.

18 Q. And you mentioned [REDACTED] Bear Island Road in
19 Summerville, South Carolina. What county is that located
20 in?

21 A. Berkeley.

22 Q. And when executing a search warrant, please
23 describe that situation, what that involves to the jury.

24 A. Basically, on this one, we knock and announce,
25 breach the door, make sure the house -- in this case it's an

1 apartment -- is secure. Detain the people within there.
2 Whoever is the owner of the apartment, the search warrant is
3 read to them. Make sure they understand. If they have any
4 questions, answer any questions for them about the search
5 warrant. And then the apartment is searched and evidence is
6 seized and chain of custody through to the evidence to the
7 lab.

8 Q. And in executing the search warrant, what day was
9 this done on?

10 A. February 8th, 2016.

11 Q. What was your specific role in the execution of
12 this search warrant at Bear Island Road?

13 A. I was the, I guess, team leader of that, of the
14 group that was assigned to [REDACTED] Bear Island Road. And I was
15 the evidence custodian at the location.

16 Q. Okay. And please tell us what that means to be the
17 designated evidence custodian?

18 A. That means anything located of evidentiary value,
19 if it's located by me or anybody else, I'm called to it. I
20 photograph it. And I seize it from where it is located.
21 Nobody else seizes the evidence. When it's done, search
22 warrant is over, I maintain care and custody of all evidence
23 until it's either put into nondrug evidence lockers or
24 submitted to the lab for testing.

25 Q. And as part of your responsibilities in being the

1 evidence custodian, did you have a chance or an opportunity
2 to create a report of all that went on during the execution
3 of the search warrant?

4 A. Yes.

5 Q. Why would you create a report, for what purpose?

6 A. To document it, everything that we found. We have
7 to leave a receipt with the apartment owner, apartment of
8 what we seized from the apartment, just because it's good
9 ethics -- or not ethics, but, you know, it's good business
10 to write everything down. We got to remember what we did to
11 document everything that was seized from the apartment, who
12 was there, what date it is. Long time, you can't remember,
13 things like that.

14 Q. And are all the items y'all seized or took as part
15 of the investigation in this case, did you document all of
16 this things and where they were located?

17 A. Yes.

18 Q. And does your report assist you in recalling where
19 they were located?

20 A. Yes.

21 Q. If an item was located within this [REDACTED] Bear Island
22 Road, did you document where it was located?

23 A. The room it was located from and photographed
24 within the room.

25 Q. And for every item that was seized, did you

1 actually lay eyes on where it was located prior to actually
2 taking it into your custody?

3 A. Yes.

4 Q. And that goes for every item seized in your report?

5 A. Yes.

6 Q. Thank you. Agent Rawl, if you bear with them one
7 moment, I'm going to present you with a few items.

8 MR. FERNANDEZ: Your Honor, permission to approach
9 the witness?

10 THE COURT: You may. Give me the numbers you have
11 in your hands.

12 MR. FERNANDEZ: Yes, Your Honor. This is State's
13 Exhibit 66, 67, 68 and 69.

14 THE COURT: Any objection from counsel?

15 MR. GRIFFITH: No objection, Your Honor.

16 MS. JOHNS: I have no objection.

17 THE COURT: Marked and admitted without objection.
18 You may proceed.

19 (State's Exh. 66, Drug Kit L16-01819, was
20 received in evidence.)

21 (State's Exh. 67, Drug Kit L16-01817, was
22 received in evidence.)

23 (State's Exh. 68, Drug Kit L16-01820, was
24 received in evidence.)

25 (State's Exh. 69, Drug Kit L16-01821, was

1 received in evidence.)

2 BY MR. FERNANDEZ:

3 Q. I'm handing you what's been marked in evidence as
4 State's Exhibit 66, as well as prior evidence admitted
5 State's Exhibit 161. Will you please take a look at both of
6 these items and tell me if you recognize them?

7 A. Yep, I do. Hold on a second while I get the lab
8 numbers out of my report. Okay.

9 Q. Are you familiar -- let's start with State's
10 Exhibit No. 66. Are you familiar with what that is?

11 A. Yes.

12 Q. Could you please tell the jury what that is?

13 A. This is a bag of green plant-like material, which
14 is marijuana and --

15 Q. One second, what sort of packaging is it in?

16 A. Clear plastic baggies, like corners of Ziploc bags,
17 or just regular clear plastic bags that don't have a
18 Ziploc.

19 Q. Has the evidence contained therein been placed into
20 what's called a BEST evidence kit?

21 A. It has.

22 Q. What is the purpose of that?

23 A. To make sure the integrity of the evidence is
24 contained within there until it's delivered to the lab and
25 tested.

1 Q. Does it have a tamper-proof seal on it to make sure
2 that it's not removed before it's supposed to be removed?

3 A. Yes.

4 Q. Is that evidence that you personally seized from
5 Bear Island Road?

6 A. Yes.

7 Q. How do you know it's you who seized it?

8 A. It's written in my report. And I'm the one who
9 signed it. I sealed it.

10 Q. Thank you. And after submitting -- after taking
11 that evidence that was seized, taking it into evidence and
12 placing the BEST kit, what did you do with it?

13 A. Secured it in the toolbox in my truck and
14 transported it to the lab for testing.

15 Q. And was it, in fact, tested?

16 A. Yes.

17 Q. And where did you locate this particular piece of
18 evidence?

19 A. Bear with me while I flip back to my report. This
20 was located in Bedroom No. 2, which is the back left corner
21 bedroom of the apartment.

22 Q. And I apologize for not doing this earlier. Can
23 you explain for the jury, give them a brief synopsis what
24 kind of location this was, Bear Island Road?

25 A. It's an apartment complex. As you entered, the

1 kitchen and dining room to your right. First bedroom is to
2 your left. And living room and second bedroom was back
3 to -- we call them bedroom one and two. That's how I can
4 label where stuff was located.

5 Q. Thank you. Was this particular piece of evidence
6 submitted to the SLED lab for testing?

7 A. It was.

8 Q. And what was the result, if you would publish that,
9 please?

10 A. Came back marijuana found in the one tested at net
11 weight of 1.1 grams. And the other was cocaine found in the
12 sample tested with a net weight of 1.88 grams.

13 Q. All right. Thank you. Agent Rawl, I'm handing you
14 what's been marked and admitted as State's Exhibit 67 and
15 State's Exhibit 160. Will you please take a moment to
16 review those and tell me if you recognize them?

17 A. I do.

18 Q. Okay. And please walk us through, similarly what
19 you did before, please tell us how you recognize that
20 package?

21 A. It was located within the house. I photographed,
22 seized it. And then I signed, sealing it in the BEST
23 evidence kit.

24 Q. What would that piece of evidence be when you
25 seized it on the scene, what was the description of it?

1 A. Three clear plastic bags containing a brown powder
2 substance.

3 Q. And was there similar to the other previous
4 testimony you provided? Did you do the same for all pieces
5 of evidence at Bear Island?

6 A. They would have been secured in the BEST kit, and
7 per policy, put in the lockbox in back of my truck and
8 transferred to the lab.

9 Q. Was this particular piece of evidence also
10 tested?

11 A. Yes.

12 Q. If you would, is that the lab report for that
13 particular piece of evidence?

14 A. Yes, it is.

15 Q. And how do you know that?

16 A. The lab number that's printed on here with the lab
17 report.

18 Q. Please publish the result of that test.

19 A. Three plastic bags containing powder substance.
20 Heroin found in the three samples tested, net weight of 1
21 grams.

22 Q. Thank you. Agent Rawl, I'm handing you what's been
23 marked as admitted as State's Exhibit No. 68 and 162. Would
24 you please, as you've done before, review those and tell me
25 if you recognize them?

1 A. I do.

2 Q. Walk us through how you know that and what it
3 reveals?

4 A. Again, it's documented in my report. And this was
5 located in bedroom 1. I photographed it, secured it, and
6 signed, sealing it in this BEST evidence kit.

7 Q. And was this also tested by the SLED lab?

8 A. It was.

9 Q. What was the result, if you would publish for the
10 jury?

11 A. Three plastic bags containing powder substance came
12 back cocaine found. In the samples tested, three tested,
13 total net weight of 2.15 grams. One plastic baggie
14 containing a crystal substance, results are methamphetamine
15 found in the one sample test with net weight of .65 grams.

16 Q. Thank you. Lieutenant Rawl, I'm handing you
17 State's Exhibit 69 and 163. Will you please take a moment
18 to review those. And let me know if you recognize them?

19 A. Yes, I do.

20 Q. What are they and where were they found and how do
21 you recognize them?

22 A. They were located in a safe within the closet of
23 Bedroom No. 2.

24 Q. And how would you describe the materials?

25 A. One's a clear plastic bag containing white powder

1 substance. And, two, clear plastic bags containing black
2 tar substance.

3 Q. Similar to the others, was this handled by
4 yourself?

5 A. It was. And I signed, sealing it in the BEST
6 kit.

7 Q. And after providing that to the SLED, for SLED
8 analysis, what was the result?

9 A. Plastic bag containing powder substance, cocaine
10 found in the one sample tested with net weight of 98.72
11 grams; two plastic bags containing dark brown sticky
12 substance, no controlled substance detected in the sample
13 tested.

14 Q. Thank you.

15 A. Two tested.

16 Q. And you know that's the test for that bag how?

17 A. The lab number matches up with the BEST kit.

18 Q. Thank you. Lieutenant Rawl, I handed you what's
19 been marked as -- I'm sorry.

20 THE COURT: Any exception, Mr. Griffith?

21 MR. GRIFFITH: No objection.

22 MS. JOHNS: No, Your Honor.

23 THE COURT: What number?

24 MR. FERNANDEZ: This would be State's Exhibit 76
25 and 77.

1 THE COURT: Marked and admitted without objection.

2 (State's Exh. 76, digital scale, was received in
3 evidence.)

4 (State's Exh. 77, digital scale, was received in
5 evidence.)

6 BY MR. FERNANDEZ:

7 Q. Mr. Rawl, I'm handing you what's been marked and
8 admitted as State's Exhibit 76 and 77. Would you please
9 take a look at those. And let me know if you recognize
10 them. And please, if you would, describe for the jury where
11 they were found and what they were?

12 A. They are are digitals scales. One is a Digitz,
13 with a Z, not a S, digital scale located by me in the upper
14 cabinets of the kitchen. And the other one is one Match
15 Weight digital scale located by me on the TV stand in
16 Bedroom No. 2.

17 Q. In your narcotics experience, what would a digital
18 scale typically be used for by narcotics trafficking
19 organization?

20 A. Weighing out drugs for sale, putting them in bags
21 so they know how much to is when they sell it.

22 MR. FERNANDEZ: Your Honor, this is State's Exhibit
23 79.

24 THE COURT: Any exceptions, Mr. Griffith or Ms.
25 Johns?

1 MS. JOHNS: No objection, Your Honor.

2 MR. GRIFFITH: No, Your Honor.

3 THE COURT: Marked and admitted without objection.

4 (State's Exh. 79, blender tops, is received in
5 evidence.)

6 Q. Agent Rawl, I'm handing you what's been marked as
7 admitted as State's Exhibit 79. Will you please review that
8 and let us know where you located it and what it is?

9 A. These are blender tops that were located in the
10 upper cabinets of the kitchen.

11 Q. What would be the significance of blender tops in
12 this sort of residence?

13 A. When it's all put together with the blenders and
14 some other things that were in the kitchen with it, it's
15 used for mixing cocaine with cutting agents.

16 MR. UNDERWOOD: Your Honor, this is State's Exhibit
17 80.

18 THE COURT: Any objection?

19 MR. GRIFFITH: No objection, Your Honor.

20 MS. JOHNS: No, Your Honor.

21 THE COURT: Marked and admitted without objection.

22 (State's Exh. 80, Inositol powder, is received in
23 evidence.)

24 BY MR. FERNANDEZ:

25 Q. Agent Rawl, I'm handing you State's Exhibit 80.

1 Will you please take a look at that and tell us what that
2 is.

3 A. It's a bottle of inositol powder.

4 Q. Where was this item located?

5 A. It was located in the kitchen, I believe the same
6 place as the blender.

7 Q. What would be the significance of inositol powder?

8 A. Inositol is a very common cutting agent for
9 cocaine.

10 Q. Could you please describe for the jury what a
11 cutting agent is, you said mixing before, and how that would
12 relate?

13 A. Correct. When drug dealers get, say, an ounce of
14 cocaine, they will mix it with another ounce of inositol,
15 blend it all together and now they have two ounces of
16 cocaine to sell. It takes down the purity of the cocaine,
17 but you have more to sell.

18 MR. FERNANDEZ: Your Honor, this is State's Exhibit
19 81. It is a variety of items.

20 THE COURT: Any objection?

21 MR. GRIFFITH: No objection, Your Honor.

22 MS. JOHNS: None.

23 THE COURT: Marked and admitted without objection.

24 (State's Exh. 81, Acetone, sifter, brush, scoop
25 and spoon, is received in evidence.)

1 BY MR. FERNANDEZ:

2 Q. I'm handing you what's been marked and admitted as
3 State's Exhibit 81. There are a number of items in there.
4 Can you please identify them and let us know where you
5 located them?

6 A. One is a sifter. One is a brush, a small spoon,
7 ice cream scoop and bottle of acetone.

8 Q. Where were they located?

9 A. Located in the upper cabinets of the kitchen along
10 with the blender and inositol.

11 Q. What would be the significant of those items?

12 A. It's used for cutting cocaine. It's also used for
13 purifying cocaine.

14 Q. Would that be the acetone?

15 A. Acetone would purify it, yes.

16 Q. Walk us through that process.

17 A. If you are using cocaine and/or you buy cocaine
18 that may not be good cocaine that you know of, if you mix it
19 with acetone, mix it up in a cup or put it in a blender, the
20 acetone -- cocaine does not dissolve in the acetone. But
21 the cutting agents will. So you mix it all together, the
22 acetone absorbs all the cutting agency, and leaves you
23 nothing but pretty pure cocaine. Pour that into the sifter,
24 the cocaine is left on top of the sifter, everything else
25 goes through the acetone.

1 Q. Your Honor, this would be -- I apologize. Just
2 trying to do similar --

3 THE COURT: Just give me the numbers.

4 MR. FERNANDEZ: 78, 82, 83, 84.

5 THE COURT: Any objection?

6 MR. GRIFFITH: No objection, Your Honor.

7 MS. JOHNS: Not from Hunter.

8 THE COURT: Without objection.

9 (State's Exh. 78, blender top, received in
10 evidence.)

11 (State's Exh. 82, blender, received in
12 evidence.).

13 (State's Exh. 83, blender, received in
14 evidence.).

15 (State's Exh. 84, blender, received in evidence.)

16 BY MR. FERNANDEZ:

17 Q. Agent Rawl, the items marked as 78, 82, 83, 84, can
18 you please take a look at these individually. And let's
19 walk through. And tell us which one you are referring to
20 when you first address it?

21 A. This is the bottom of a blender of a NutriBullet.

22 Q. That's number what? Sorry.

23 A. That is No. 84.

24 Q. Okay.

25 A. No. 83 is another bottom of a KitchenAid blender or

1 grinder. No. is 82 is a Hamilton Beach, bottom electrical
2 end of a blend or grinder. And No. 78, this is the
3 attachments and cups and tops of the various --

4 Q. Where were these items located?

5 A. Also in the upper cabinets of the kitchen.

6 Q. If you would, please tell us what the significance
7 of these items would be to a drug trafficking organization?

8 A. Again, they went with the tops from the before as
9 well. Put them in there to really mix up the cutting agent
10 and the cocaine, so you get a good even blend throughout the
11 cocaine. Where if you just dump all the inositol on top of
12 the cocaine and start bagging it up, you may bag all the
13 inositol in one bag and no cocaine. So blend it up, get it
14 good and pure together, and make it easy so everything is --
15 would be the same.

16 MR. FERNANDEZ: These are State's Exhibit 72
17 through 75.

18 THE COURT: Any objection?

19 MR. GRIFFITH: No objection, Your Honor.

20 MS. JOHNS: No, Your Honor.

21 THE COURT: Marked and admitted without objection.

22 (State's Exh. 72, Gold iPhone, received in
23 evidence.)

24 (State's Exh. 73, Red Motorola cell phone,
25 received in evidence.)

1 (State's Exh. 74, Black Samsung, received in
2 evidence.)

3 (State's Exh. 75, White LG cell phone, received
4 in evidence.)

5 MR. FERNANDEZ: Permission to approach the witness.

6 BY MR. FERNANDEZ:

7 Q. I'm handing you what's been marked and admitted as
8 State's Exhibit 72, 73, 74 and 75. Will you please identify
9 each of these for the jury and detail where you found
10 them?

11 A. 72 is a gold Apple iPhone. I believe that was
12 taken off of Ms. Rosemarie Quezada, who was at the residence
13 there.

14 73 is a red Motorola cell phone. I'm not sure
15 where that was taken, probably off somebody's person, if I
16 don't have it written down as being located anywhere. May
17 be taken off somebody's person. I'm not sure.

18 74 is a Samsung cell phone located in the upper
19 cabinets of the kitchen.

20 And the white LG cell phone was located in bedroom
21 two in the closet.

22 Q. And what would be the significance of having
23 multiple cell phones?

24 A. A lot of times in the drug world, people have
25 multiple cell phones, because, one, you have one for your

1 customers, one for your supplier, or you have one you talk
2 to your family and friends on that you don't do drug
3 business on, and one you talk to all your customers and
4 everybody else on, or you have a phone, you get a new phone
5 because you change numbers a lot to keep detection from law
6 enforcement.

7 MS. JOHNS: Objection, Your Honor.

8 THE COURT: Approach.

9 (Whereupon, the following bench conference takes
10 place.):

11 MR. FERNANDEZ: Jones is a co-defendant who has
12 previously pled. The address located at Arno Drive address
13 you had already heard about. That's the only non-Justin
14 Hunter document. And there's a miscellaneous envelope which
15 appears to be a ledger.

16 THE COURT: Whose handwriting is that?

17 MR. FERNANDEZ: We don't know it's a ledger of
18 money.

19 THE COURT: Yeah, but who is going to make sure
20 somebody that can tie it to the --

21 MR. FERNANDEZ: We can tie the Bear Island address.

22 THE COURT: You can't tie that piece of paper.

23 That's problematic. I will think about that piece of paper,
24 but the rest of it comes in. That piece of paper will be
25 marked for ID only until I can hear it outside the jury's

1 presence, show he had dominion and control over it.

2 (Whereupon, a bench conference ends.)

3 THE COURT: Overruled.

4 BY MR. FERNANDEZ:

5 Q. Permission to approach?

6 A. Yes, sir.

7 Q. Agent Rawl, I'm handing you a number of documents,
8 will you please look through them collectively and let me
9 know if you recognize them and where they were seized?

10 A. Yeah. I recognize them. Some of the miscellaneous
11 paperwork was received from the upper cabinets of the
12 kitchen. And the rest of it was seized from Bedroom No.
13 2.

14 Q. If you would, let's take it one by one, if you
15 would, and please state which State's exhibit you are
16 relying on?

17 A. Exhibit No. 49 is a vehicle registration to a
18 Justin Gordon Hunter with the address of [REDACTED] Wilhite Drive
19 in Ladson to an Audi 4S.

20 Q. Thank you.

21 THE COURT: Which number is that again?

22 THE WITNESS: 49.

23 THE COURT: That will be marked and admitted
24 subject to the objection.

25 (State's Exh. 49, Audi vehicle registration, is

1 received in evidence.)

2 A. 50 is another vehicle registration to a BMW, 2006
3 BMW to a Justin Gordon Hunter, at the same address, [REDACTED]
4 Wilhite Drive in Ladson.

5 THE COURT: What number is that, please?

6 THE WITNESS: 50.

7 THE COURT: Marked and admitted subject to the
8 objection. Overruled.

9 (State's Exh. 50, BMW registration, is received in
10 evidence.)

11 A. 51 is a State Farm bill with Justin Hunter's name
12 on it.

13 THE COURT: Marked and admitted subject to
14 the objection.

15 (State's Exh. 51, State Farm bill for Justin
16 Hunter, is received in evidence.)

17 Q. Is there an address on it?

18 A. [REDACTED] Wilhite Drive in Ladson.

19 52 is another State Farm Insurance bill to
20 Mr. Justin Hunter at [REDACTED] Bear Island Road, Apartment [REDACTED] in
21 Summerville, South Carolina

22 THE COURT: Marked and admitted subject to the
23 objection and overruled.

24 (State's Exh. 52, State Farm bill for Justin
25 Hunter, is received in evidence.)

1 A. Number 53 is an itemized list of an insurance claim
2 on Mercedes with Justin Hunter and Lassain Johnson. This
3 time with address of [REDACTED] Arno Drive.

4 THE COURT: Marked and admitted subject to the
5 objection and overruled.

6 (State's Exh. 53, Joint Declaration Page, is
7 received in evidence.)

8 A. 54 are two insurance cards, one with -- both having
9 Justin Hunter and Lassain Johnson's name on them for a 2008
10 Mercedes. As far as addresses go, no address.

11 THE COURT: Marked and admitted subject to the
12 objection and overruled.

13 (State's Exh. 54, Joint insurance cards, is
14 received in evidence.)

15 A. Number 55 is a Comcast Cable bill or maybe cell
16 phone bill with Lassain Johnson's name on it, with [REDACTED] Arno
17 Drive, Ladson, South Carolina, as the address.

18 THE COURT: Marked and admitted subject to the
19 objection and overruled.

20 (State's Exh. 55, Lassain Johnson's cable bill, is
21 received in evidence.)

22 A. 56 is a state of South Carolina insurance policy
23 bill for the Audi A4, 2005 with Justin Hunter's name on it
24 at [REDACTED] Bear Island Road, Apartment [REDACTED], Summerville, South
25 Carolina.

1 THE COURT: Marked and admitted and objection
2 overruled.

3 (State's Exh. 56, Justin Hunter's ID cards, is
4 received in evidence.)

5 A. Last one is a credit card bill for Capital One
6 Platinum Mastercard with a Roy G. Hunter and co-signer
7 Justin Hunter at [REDACTED] Bear Island Road, Apartment [REDACTED],
8 Summerville, South Carolina.

9 THE COURT: Marked and admitted subject to the
10 objection and overruled.

11 (State's Exh. 57, Capital One statement, is
12 received in evidence.)

13 THE COURT: The credit card bill is 57, correct?

14 THE WITNESS: I'm not sure.

15 THE COURT: 57.

16 Q. Lieutenant Rawl, I'm handing you --

17 THE COURT: Do not, I already indicated that is ID
18 only until I can hear argument. Give it to the court
19 reporter. It's marked as ID only. What number is that?

20 MR. FERNANDEZ: That would be 58.

21 THE COURT: 58, ID only.

22 (State's Exh. 58, Envelop ledger, is marked for
23 identification.)

24 MR. FERNANDEZ: Your Honor, this would be the next
25 batch of documents, would be State's Exhibits 59 through 65,

1 Your Honor.

2 THE COURT: Any objection, Mr. Griffith?

3 MR. GRIFFITH: No objection, Your Honor.

4 THE COURT: Any objection, Ms. Jones?

5 MS. JOHNS: No, Your Honor.

6 THE COURT: Without objection, 59 through 65.

7 (State's Exh. 59, Visa Gold card ending in 1154,
8 was received in evidence.)

9 (State's Exh. 60, Visa Gold card ending in 5770,
10 was received in evidence.)

11 (State's Exh. 61, Moneygram receipts, was received
12 in evidence.)

13 (State's Exh. 62, Emory Roberts's Social Security
14 card, was received in evidence.)

15 (State's Exh. 63, Emory Roberts's New York ID card,
16 was received in evidence.)

17 (State's Exh. 64, Emory Roberts's New York ID card,
18 was received in evidence.)

19 (State's Exh. 65, Emory Robert's debit card, was
20 received in evidence.)

21 MR. FERNANDEZ: Permission to approach the witness?

22 THE COURT: You may.

23 BY MR. FERNANDEZ:

24 Q. I'm handing you what's been marked be State's
25 Exhibit 59 through 65. Will you please take a look through

1 them and let me know if you recognize them.

2 A. I do.

3 Q. Where were these items discovered?

4 A. The items were discovered in the kitchen and
5 Bedroom No. 2.

6 Q. If you would, please go through each one and let
7 the jury know what they are.

8 A. 59 is a Visa Gold Dot card. Valued customer name
9 on it.

10 THE COURT: I'm sorry. I didn't not hear.

11 THE WITNESS: Valued customer name on it, no name,
12 just a Gold Dot card.

13 56 is another Visa Gold Dot card loaded with money.

14 Q. If you would, will you please tell the jury what
15 the significance of those cards would be?

16 A. In the drug world, a lot of drug dealers use Gold
17 Dot cards to move money around, because you can take money
18 on and off of them through different cards. You can load
19 them up to maybe 500, I believe. Some go higher, some go
20 lower. And that's how they can move money around without
21 having cash on them.

22 Q. Thank you.

23 A. Number 61 are MoneyGram payment system receipts,
24 five of them.

25 Q. MoneyGram receipt is for what now?

1 A. Again, for wiring money. Most of the time, if your
2 supplier, say, is in New York and you are in South Carolina,
3 it's -- you may have to get the money to them before they
4 will give you the drugs. And you have to wire it to
5 whatever account or location they tell you to wire it to.

6 Q. Thank you.

7 A. Number 62 is Social Security card of Emory Roberts
8 Jr.

9 63 is a New York State identification card of Emory
10 Roberts Jr.

11 64 is another New York State identification card
12 for Emory Roberts Jr.

13 Q. Thank you.

14 A. And last one, 65, is a TD Visa debit card with
15 Emory Robert Jr.'s name on it.

16 Q. Permission to again approach the witness, Your
17 Honor.

18 I'm handing you what's been previously marked
19 State's Exhibit 42 and entered into evidence. Will you
20 please take a look at that and let me know if you also
21 recognize it?

22 A. I do.

23 Q. And what is it?

24 A. It is Justin Gordon Hunter's passport.

25 Q. And did you locate that item in Bear Island

1 apartment complex?

2 A. I did.

3 Q. Where did you locate it?

4 A. Bedroom No. 2.

5 MR. UNDERWOOD: No further questions from the
6 State, Your Honor.

7 THE COURT: Any questions from Mr. Griffith?

8 MR. GRIFFITH: Yes.

9 THE COURT: You may proceed.

10 CROSS-EXAMINATION

11 BY MR. GRIFFITH:

12 Q. May it please the Court, Your Honor.

13 All of these items were taken from Bear Island; is
14 that correct?

15 A. [REDACTED] Bear Island Road, Apartment [REDACTED] in
16 Summerville, South Carolina.

17 Q. Okay. And this -- the NutriBullet, NutriBullet
18 that was entered into evidence, a lot of people may own that
19 to mix vegetables with, right?

20 A. Sure.

21 Q. So that doesn't necessarily mean that somebody was
22 using it for some other purpose, does it?

23 A. Not necessarily.

24 Q. And the Inositol, that's really vitamin B, isn't
25 it?

1 A. It's a dietary supplement, yeah.

2 Q. A dietary supplement. The scales that you found,
3 they could be used for weighing out things to figure out how
4 many calories are in them?

5 A. It's a small person eating that little bit of
6 food.

7 Q. Maybe it's really a person trying to eat light, but
8 isn't that true?

9 A. You can weigh anything on a scale.

10 Q. Absolutely. Did you find any persons there when
11 you arrived?

12 A. Yes.

13 Q. Who was there?

14 A. Rosemarie Quezada. And then during the search
15 warrant, Mr. Lassain Johnson appeared at the door.

16 Q. But you did not find Mr. Emory Roberts there, did
17 you?

18 A. No, sir.

19 Q. Did you find any duffel bags there?

20 A. None that were seized, no.

21 MR. GRIFFITH: Thank you. No other questions.

22 THE COURT: Ms. Johns.

23 MS. JOHNS: Thank you, Your Honor.

24 THE COURT: You're welcome.

25 CROSS-EXAMINATION

1 BY MS. JOHNS:

2 Q. Agent Rawl, did you submit any of these items to
3 SLED for fingerprint testing?

4 A. Did not.

5 Q. Could you tell whether or not my client Justin
6 Hunter handled any of these items?

7 A. No, ma'am.

8 Q. Do you know whether or not Mr. Justin Hunter and
9 Mr. Johnson were in the car-selling business together?

10 A. No, ma'am.

11 Q. You have some documents there, do you not, that say
12 that there is insurance in both of their names; is that
13 right?

14 A. Yes.

15 Q. Okay. And then you also have some paperwork
16 concerning an Audi A4?

17 A. Right.

18 Q. And, to your knowledge, did you know whether or not
19 Mr. Johnson drove an Audi A4?

20 A. Not to my knowledge. I don't know.

21 Q. And there is some information about 2005 BMW; is
22 that right?

23 A. I believe so. That's what I read on the
24 registration.

25 Q. Do you know what model that is?

1 A. I'm not sure. It's on the registration.

2 Q. Do you know what color it is?

3 A. No, ma'am.

4 Q. And then there was, I think, two Mercedes, right?

5 A. I'm not sure. Could have been the same one, just
6 two different documents.

7 Q. And do you know whether or not the Mercedes
8 belonged to Mr. Johnson?

9 A. I do not. It's registered to whoever's name is on
10 the registration card.

11 Q. Did you find any keys that corresponded with the
12 Mercedes?

13 A. No, ma'am.

14 Q. Did you find any keys that corresponded with an
15 Audi?

16 A. No, ma'am.

17 Q. Did you find it on the person of Mr. Johnson when
18 he came to the house?

19 A. I don't believe so, no.

20 Q. You don't know or you don't --

21 A. I don't know. I don't believe so. We didn't take
22 them, so I'm not sure. He had to drive to get there, so ..

23 Q. Did you find a bill of sale in those listed
24 documents?

25 A. No.

1 Q. You did not?

2 A. No, ma'am.

3 Q. Any of these debit Visa cards to valued customer,
4 where do you buy these?

5 A. You can get them anywhere, CVS, Walmart, you name
6 it.

7 Q. And did you run any of these or call the number to
8 see if there was any money on any of these cards?

9 A. I did not.

10 Q. Do you know if any of these cards belonged to
11 Mr. Hunter?

12 A. I do not, no, ma'am.

13 Q. And none of these were run fingerprint tested
14 either?

15 A. No, ma'am.

16 Q. Are any of these items that stack with this Visa
17 card or any of them illegal to own?

18 A. No.

19 Q. These cell phones that you found, I don't know the
20 item number, but let me just refer them -- refer to them as
21 the cell phones that have been admitted during your
22 testimony. Did you run the serial number to any of those
23 phones to prove ownership of those phones?

24 A. I did not, no, ma'am.

25 Q. You cannot connect any of those cell phones to

1 Justin Hunter; is that correct?

2 A. I'm not sure if anybody asked to, but I did not.

3 Q. You did not?

4 A. No, ma'am.

5 Q. And some of these, like State's Exhibit 81, they
6 are general household items, correct? For example, there's
7 a strainer in here.

8 A. Right.

9 Q. And you said that it was commonly used to sift
10 drugs?

11 A. When they are found with drugs and all together
12 with the grinders, you put two and two together.

13 Q. I am not trying to put two and two together.

14 A. They are not illegal to own or anything. You can
15 find them in any household.

16 Q. I just want to know, did you submit this to the lab
17 to test it for drugs?

18 A. No, I did not.

19 Q. Let me also ask you, for example, State's Exhibit
20 No. 72, which is the Apple cell phone, would you call this a
21 drop phone?

22 A. No, I would not.

23 Q. How about LGX, State's Exhibit 75, would you call
24 this a drop phone?

25 A. Possibly, but probably not.

1 Q. Probably not? Would you call it a smartphone?

2 A. Smartphone, yes.

3 Q. Smartphones usually are not drop phones; is that
4 correct?

5 A. A lots of smartphones can be found very cheap at
6 Walmart and places like that. I'm pretty sure everything is
7 a smartphone these days.

8 Q. Okay. With regard to the arrangement of the house
9 at Bear Island Road, Apartment [REDACTED], did you find any
10 clothing that belonged to Justin Hunter?

11 A. I can't say any clothing belonged to anybody unless
12 they are wearing it.

13 Q. So was there anything that you found at Bear Island
14 Road that would indicate to you that it belong to Justin
15 Hunter?

16 A. Nothing that had his name on it, no, ma'am.

17 Q. No monograms, no nothing?

18 A. No, ma'am.

19 Q. It looks like a two-bedroom apartments; is that
20 right?

21 A. Correct.

22 Q. Was one bedroom considered a master's?

23 A. Yes.

24 Q. Which bedroom was that?

25 A. The bedroom over -- bedroom No. 1. Well, I guess

1 maybe, maybe not a master. Neither one of them -- just one
2 bedroom in the apartment, so one of the bedrooms didn't have
3 its own bathroom. So I can't say it was a master's bedroom
4 in the apartment.

5 Q. So neither of the bedrooms had a bathroom attached
6 to it; is that right?

7 A. Correct.

8 Q. And as far as the way that the bedrooms were
9 furnished, was one more likely to be a master bedroom?

10 A. I would say yes.

11 Q. Did you take any photographs of it?

12 A. There's photos from stuff in the room, yes. I
13 would say bedroom No. 1 would be your master, if you are
14 going to call one a master's.

15 Q. And that's based on you taking photos; is that
16 right?

17 A. Correct.

18 Q. And was Bedroom No. 2 set up as a bedroom or
19 storage office?

20 A. Bedroom.

21 Q. Have a bed in it?

22 A. Uh-huh, and a nightstand.

23 Q. Any clothes in the closet?

24 A. Uh-huh.

25 Q. What kinds of clothes, adult or children?

1 A. Adult.

2 Q. Male or female?

3 A. Male.

4 Q. And what about bedroom No. 1?

5 A. Female.

6 Q. So one was male and one was female?

7 A. Correct.

8 MS. JOHNS: Okay. Thank you. Nothing further,
9 Your Honor.

10 THE COURT: Any redirect?

11 MR. FERNANDEZ: None, Your Honor.

12 THE COURT: Any objection to the witness being
13 excused, from the State?

14 MR. FERNANDEZ: Not from the State, Your Honor.

15 THE COURT: From the defense?

16 MR. GRIFFITH: No, Your Honor.

17 MS. JOHNS: No, Your Honor.

18 THE COURT: Sir, you are excused.

19 Madam Forelady, ladies and gentlemen, we are going
20 to take advantage of this break in testimony to take our
21 evening recess. During the break, please do not discuss the
22 case in any manner whatsoever. Do not watch or read any
23 media accounts about this case, if any, or do not to
24 research on any type on the Internet.

25 We will report at 9:30. Come directly to your jury

1 room. And as soon as everyone has arrived, we will resume
2 testimony. I hope you have a great evening. If you would
3 leave them in your seats. If you would attach your name tag
4 to your notepads, we will secure them during the recess.
5 Hope you have a good evening. See you in the morning.

6 (Whereupon, the jury leaves open court at 5:00
7 p.m.)

8 THE COURT: Is there anything before we adjourn for
9 the evening, from the State?

10 MR. FERNANDEZ: Your Honor, I guess the only
11 question I would have is what Your Honor intends to do about
12 the letter, the envelope.

13 THE COURT: Unless you have somebody that can tie
14 somebody's handwriting to do that, I can't find any
15 probative value in that. It's left to too much speculation.
16 There's been testimony there's a lot of people that
17 frequented that particular residence. And unless you have
18 someone -- and it looks like a female's handwriting.
19 Doesn't look like a man's handwriting, based on what you
20 showed me at the bench, if my memory serves me accurately.
21 Unless you can tie it to one of the defendants, I don't
22 know, you might be able to get it in through Ms. Quezada, if
23 she can identify whose handwriting it is.

24 MR. FERNANDEZ: Thank you, Your Honor.

25 THE COURT: Anything before we break for the

1 evening, Mr. Griffith?

2 MR. GRIFFITH: No, Your Honor.

3 THE COURT: Ms. Johns?

4 MS. JOHNS: As a matter of housekeeping, I would
5 like to know if the Attorney General's Office, how many more
6 witnesses.

7 THE COURT: I was going to ask that question next.
8 I need to know if there's anything --

9 MS. JOHNS: No, Your Honor.

10 THE COURT: Are there any other witnesses on this
11 list you will not be calling? Maybe I should go, Michael
12 Vasquez, which was No. 11.

13 MR. FERNANDEZ: We do intend to call Vasquez, Your
14 Honor.

15 THE COURT: Jason Wells?

16 MR. UNDERWOOD: Yes. We intend to call Wells.

17 THE COURT: Willie Smith?

18 MR. UNDERWOOD: No, Your Honor.

19 THE COURT: Shana Sorrells?

20 MR. UNDERWOOD: No, Your Honor.

21 THE COURT: Maribeth McCormack?

22 MR. UNDERWOOD: No, Your Honor.

23 THE COURT: Douglas Robinson?

24 MR. UNDERWOOD: No, Your Honor.

25 THE COURT: Lynn Black?

1 MR. UNDERWOOD: No, Your Honor.

2 THE COURT: Kevin Hamm?

3 MR. UNDERWOOD: No, Your Honor.

4 THE COURT: Your Honor, if I can defer until
5 tomorrow, depending on how one of the other agents
6 testifies.

7 THE COURT: Mike Guerrerre.

8 MR. UNDERWOOD: Mike Guerrerre, Your Honor, the
9 same, Your Honor.

10 THE COURT: And Deputy Tanner?

11 MR. UNDERWOOD: The same.

12 THE COURT: JJ Evans?

13 MR. UNDERWOOD: We do not intend to call.

14 THE COURT: And Ms. Quezada?

15 MR. UNDERWOOD: To be determined, Your Honor.

16 THE COURT: That leaves us with about four
17 witnesses, best case 7, worst case 6. Yeah, 6. I'm sorry.
18 I can't count.

19 All right. Now, do either of you plan to present
20 any witnesses, Mr. Griffith? I'm going to, of course,
21 explain to your client his Fifth Amendment right against
22 self-incrimination. I assume you have no record to impeach
23 his credibility, as y'all indicated to me he had no record
24 in South Carolina and a New York record, but it involved
25 drugs?

1 MR. UNDERWOOD: Your Honor, he had other charges as
2 well as the drug charges.

3 THE COURT: Like what?

4 MR. UNDERWOOD: I believe under New York law, would
5 be considered armed robbery, misdemeanor.

6 THE COURT: Menacing isn't probative of
7 truthfulness. What else does he have?

8 MR. UNDERWOOD: As to the felony, Your Honor, I
9 don't believe it rises to a felony.

10 So far, Your Honor, as I'm going through, the only
11 felony charges I see that are not drug-related or
12 weapons-related, he has a criminal mischief charge, which is
13 listed as a felony from the State of New York, appears to be
14 several counts of that as well as damaging property.

15 THE COURT: I haven't heard anything yet that would
16 rise -- that would come within something that would bear on
17 his veracity or his truthfulness.

18 MR. UNDERWOOD: There's an aggravated criminal
19 intent. I don't think that would affect veracity either.

20 THE COURT: You are not seeing anything you would
21 use to be able to use to impeach his credibility.

22 MR. UNDERWOOD: This rap sheet is rather lengthy.
23 I apologize.

24 THE COURT: Take your time. I want to be able to
25 have a meaningful conversation with Mr. Griffith when we get

1 to that point. And it's better that he knows ahead of
2 time.

3 MR. UNDERWOOD: I don't see any charges that go
4 directly to veracity.

5 THE COURT: I'm sorry?

6 MR. UNDERWOOD: I don't see any charges that go
7 directly to veracity. There are a number of felonies, but
8 they are related to other matters, Your Honor.

9 THE COURT: So at this point, I haven't heard you
10 tell me anything that you would be able to use to impeach
11 his credibility or probative of his truthfulness; is that
12 correct?

13 MR. UNDERWOOD: Yes, Your Honor.

14 THE COURT: Do you all anticipate any witnesses?
15 Just for planning purposes, I need to know.

16 MR. GRIFFITH: I do not anticipate any witnesses,
17 Your Honor. I have talked to Mr. Roberts about whether or
18 not he should testify and --

19 THE COURT: I will go over that with him in
20 detail.

21 MR. GRIFFITH: I don't believe he intends to
22 testify.

23 THE COURT: Huh?

24 MR. GRIFFITH: I don't believe he has any intention
25 to testify.

1 THE COURT: We will go over that. And I will go
2 over his rights with him and also give you another
3 opportunity to speak to him, if you need to.

4 Do you anticipate any witnesses?

5 MS. JOHNS: No, Your Honor.

6 THE COURT: So neither of you have put any evidence
7 in, have you?

8 MS. JOHNS: No, Your Honor.

9 MR. GRIFFITH: We may have one piece of document to
10 put into evidence, Your Honor. It's just a matter of his
11 location during a period of time that's been talked about
12 that would prove that he was someplace else.

13 THE COURT: Okay.

14 MR. GRIFFITH: I have yet to discuss it with
15 Mr. Roberts to be sure.

16 MR. ROBERTS: I have a copy of my record. I can
17 bring that tomorrow.

18 THE COURT: Go over that with Mr. Griffith.

19 Anything else we need to take up before we adjourn
20 for the evening, from the State?

21 MR. UNDERWOOD: Yes, Your Honor. Briefly, as to
22 the proposed exhibit that Mr. Griffith just mentioned, I
23 would just like to get a copy of it ahead of time.

24 THE COURT: I assume he will.

25 MR. GRIFFITH: Absolutely.

1 MR. UNDERWOOD: Since the defense, from both
2 defenses, indicated that they do not intend to call any
3 witness, we would ask that Lieutenant Dorsey and Thomas
4 Sekula be excused from their subpoena.

5 THE COURT: Any exception? Lieutenant Dorsey is
6 the gentleman that I took testifying about drug activity
7 under advisement. I researched the matter. I was ready to
8 rule on it. I asked Mr. Underwood if he still wanted to
9 call him. He said he was withdrawing him as a witness. And
10 he wanted to release him from his subpoena. And Mr. Sekula,
11 of course, is the confidential informant. So do we need
12 keep -- I excused him subject to recall, anticipating
13 whether the State may want to call him in redirect or if
14 y'all wanted to call him in either of your cases in chief.
15 But if you don't plan to, they are asking if both can be
16 relieved from their subpoenas.

17 MS. JOHNS: As far as Justin Hunter is concerned, I
18 do not have an objection in releasing Lieutenant Dorsey.
19 However, with Tommy Sekula, they have witnesses that they
20 have yet to determine whether or not she is going to testify
21 or they are going to testify. And I am not real comfortable
22 I can get him back here.

23 THE COURT: I don't have a problem not releasing
24 him. I just need a yes or no answer.

25 MS. JOHNS: I would prefer he not be released.

1 THE COURT: Mr. Griffith?

2 MR. GRIFFITH: I would join.

3 THE COURT: Lieutenant Dorsey will be released.

4 Mr. Sekula is still subject to recall.

5 MR. UNDERWOOD: Thank you, Your Honor.

6 THE COURT: You're welcome. Anything else we need
7 take up, from the State?

8 MR. UNDERWOOD: Nothing, Your Honor.

9 THE COURT: Defense, Mr. Griffith?

10 MR. GRIFFITH: Nothing, Your Honor.

11 THE COURT: Ms. Johns?

12 MS. JOHNS: No, Your Honor.

13 THE COURT: Have a good evening. See you in the
14 morning at 9:30.

15 (Whereupon, the court adjourns for the day.)

16 (Whereupon, the trial continues on July 27, 2017.)

17 THE COURT: The State ready to proceed?

18 MR. UNDERWOOD: Your Honor, if we can have just one
19 minute, Your Honor, we are trying to organize some of our
20 exhibits?

21 THE DEFENDANT: Good morning, Your Honor. I
22 have --

23 THE COURT: Wait one second.

24 What exactly are we waiting on? What are you
25 doing?

1 MR. UNDERWOOD: I think we can proceed, Your Honor.

2 THE COURT: Okay. All right. Sir, you said you
3 wanted to address the Court?

4 THE DEFENDANT: Yes.

5 THE COURT: You need to stand. Tell me what you
6 need?

7 THE DEFENDANT: I have a problem with counsel right
8 now.

9 THE COURT: Ah-huh.

10 THE DEFENDANT: The testimony of this guy, Craig
11 Valentine yesterday, all right, we spoke that I was in New
12 York and I was, in fact, incarcerated during that time. All
13 right? It was told to me to bring my record. And I have it
14 and I can show that. Now he's fighting against me about --

15 THE COURT: Well, I don't know. Depends. What is
16 it that you have to show him that would corroborate what you
17 are saying?

18 THE DEFENDANT: My rap sheet, my rap sheet.

19 THE COURT: Is it certified? Where did you get
20 your rap sheet?

21 THE DEFENDANT: From them.

22 THE COURT: How does that show you were
23 incarcerated?

24 THE DEFENDANT: Shows the dates and everything.

25 THE COURT: It shows when you were incarcerated?

1 Rap sheets only show when you are charged with something.
2 It doesn't show when you are in custody. It only shows what
3 you were charged with, the date you were charged, and the
4 disposition of the charge. It doesn't show when you were in
5 jail. You have to get the record from the jail that you
6 were in showing that you were incarcerated from a particular
7 date to a particular date. Your rap sheet doesn't show
8 that.

9 THE DEFENDANT: I can show that I was in New York.

10 THE COURT: You would be in New York on the date of
11 the arrest, but you could have conceivably left New York
12 within hours of being arrested and being released on bond.
13 So what date are we speaking about??

14 THE DEFENDANT: 2014.

15 THE COURT: What date?

16 THE DEFENDANT: January 13th date and then you have
17 a February 19th date.

18 THE COURT: Say that for me one more time?

19 THE DEFENDANT: It's a date of January 13th and
20 then there's a date of --

21 THE COURT: Of what year?

22 THE DEFENDANT: Of 2014.

23 THE COURT: And what's the next date?

24 THE DEFENDANT: February 19th.

25 THE COURT: Of what year?

1 THE DEFENDANT: 2014.

2 THE COURT: Okay. And what does that rap sheet say
3 that you are saying supports your position? What does it
4 say? What does it say about January 13th and February 19th
5 that you say confirms you were in custody??

6 THE DEFENDANT: I'm confirming I was in New York.
7 I was in custody --

8 THE COURT: No, but what does the rap sheet say
9 itself? What does it say about those dates??

10 THE DEFENDANT: As far as me being -- it says the
11 charge.

12 THE COURT: Yeah, but does it say you were
13 arrested? A rap sheet -- you can have charges that go on a
14 rap sheet, but you may not have come into custody yet.
15 Like, there are people who have charges pending, warrants
16 pending. It goes into NCIC. But I don't know if they were
17 picked up yet?

18 THE DEFENDANT: Can we subpoena that I was in --

19 THE COURT: What institution were you located in??

20 THE DEFENDANT: Nassau County Correctional
21 Facility.

22 THE COURT: Where is that located??

23 THE DEFENDANT: East Meadow, New York. I'm just
24 saying it because they sat up here, listened to this guy, I
25 don't even know this guy. And he testified to all of these

1 things, and I was in New York. May, June of 2015, I might
2 have --

3 THE COURT: You said May and June of 2014 you were
4 in jail in New York?

5 MR. ROBERTS: No, no, that I was present down here,
6 when I first came down here. That's what I'm saying. Like,
7 2014, I was -- this wasn't even a thought. I was in
8 Vermont. Prior to that, I was in Vermont.

9 THE COURT: In 2014??

10 THE DEFENDANT: Yeah. After I got out of jail, I
11 was in Vermont for a little while. Then I was in New
12 York.

13 THE COURT: Okay. The question still becomes what
14 do you have to corroborate that??

15 THE DEFENDANT: Well, I definitely was
16 incarcerated, so if we can --

17 THE COURT: How were you incarcerated? Did he tell
18 you what facility it was, Mr. Griffith, so you can confirm
19 it?

20 MR. GRIFFITH: He didn't indicate what facility it
21 was, Your Honor. He said he was incarcerated. I had the
22 fear that if we opened the door to his --

23 THE COURT: Yeah. It's a double-edge --

24 THE DEFENDANT: This is by far the worst thing I've
25 ever been accused of. I don't care. It can't get no worse

1 than this, Your Honor.

2 MR. GRIFFITH: I've been trying to help Mr. Roberts
3 understand, with the help of others, that if he were to open
4 the door, at this point, the jury has no idea who he is.
5 But if he opens the door and they bring in his entire
6 record, then they will have a preconceived mind --

7 THE COURT: It really would be prejudicial to you.
8 See, right now, as you remain silent -- here's how it works.
9 The State has the burden of proof. You could sit at that
10 table and never say a word. You don't have anything to
11 prove. The burden is on them. They have to prove your
12 guilt beyond a reasonable doubt. As long as you are silent,
13 there's nothing they can say. They can't use your own words
14 against you.

15 You can't just get on the stand and say, I was in
16 Nassau County. It doesn't stop there. They get to ask you
17 about everything else. That's a dangerous road to go down.
18 It's a rabbit hole. And I agree with your lawyer, it's not
19 in your interest.

20 Now, I've dealt with New York before. It's a
21 nightmare. It's a hit or miss if they ever send the record,
22 if they still have it, that you were in New York in 2014.
23 Because he's probably going to have to talk to 100 people.
24 And each person talking to him is going to give him a
25 different answer. And they may never get you what you are

1 looking for. I don't want to disparage another state, but,
2 you know, when I deal with other states, I'm thankful that I
3 live here. Let's just leave it at that. Because we may not
4 be the best, but we are incredibly organized, if nothing
5 else.

6 And then your memory may be faulty about it. But
7 you being -- you getting on the stand and say, yeah, I was
8 in Nassau County on this date and I was in Nassau County on
9 this date, you don't have anything to corroborate it. So
10 then that puts you between a rock and a hard place by
11 corroborating what you are saying, because you are just
12 saying it. So you said it? You could be not telling the
13 truth?

14 THE DEFENDANT: Can I speak?

15 THE COURT: Uh-huh.

16 THE DEFENDANT: I asked him for this thing about
17 being prejudicial. I'm the only defendant sitting here with
18 all of this mass of evidence --

19 THE COURT: No. That defendant is sitting there.
20 He's just being tried in his absence. And that's what I'm
21 going to tell the jury. He didn't show up and we get to try
22 him in his absence just like he was here.

23 THE DEFENDANT: Yeah, but, Your Honor, you know
24 what I'm saying. The jury is looking at me over here with
25 all of these things being brought out.

1 THE COURT: I have found that juries are very
2 discerning people, very discerning people, with varying
3 backgrounds. And they take their duty very seriously. So,
4 I think you should take advantage -- and the other thing
5 that happens that you are not thinking about is, when you
6 keep your mouth closed and you present no evidence, your
7 lawyer gets last argument, which means that his voice is the
8 last voice the jury gets to hear before they deliberate.
9 That's a very valuable commodity. You might want to
10 consider that?

11 THE DEFENDANT: All right.

12 THE COURT: Take his advice?

13 THE DEFENDANT: All right.

14 THE COURT: In the meantime, Mr. Griffith, if you
15 need assistance in trying to locate, I just have had to deal
16 with other institutions in other states, just trying to even
17 secure the presence of somebody, and it's a nightmare. But
18 if you want to take a shot at contacting Nassau, I have
19 found that New York operates like five different states
20 within one state, they all have their own rules in every
21 borough, nightmare. Yeah. I don't know if they will even
22 have his records from 2014. But if you want to take a shot
23 at finding them, you would still have to have a witness to
24 introduce them through, which becomes -- well, I guess if it
25 was certified, you could ask the case agent, I guess. But I

1 don't know that you would want to soil your client that way
2 by indicating he has a string of arrests in another state.
3 I'm at a bit of a loss.

4 Because what Mr. Griffith is going to do -- and I'm
5 just going to sort of jump into traffic -- he's going to
6 impugn the credibility of those witnesses. He's going to
7 say that they all lack veracity because they are all addicts
8 and they will say anything to get out of jail. He can
9 attack their credibility without you ever opening your
10 mouth. And you might want to take his advice?

11 THE DEFENDANT: All right.

12 MR. GRIFFITH: Thank you, Your Honor.

13 THE COURT: Is there anything else we need to take
14 up before we proceed with trial? We had a late -- we've had
15 late jurors all week, but I suspect -- when I was coming in,
16 I saw 526 was backed up in both directions. So I don't know
17 if that affected them getting here. It's a parking lot.
18 There was nothing moving. So I tend to be a little lenient
19 about something like that, because we pay them \$10 a day.
20 And if they get stuck in traffic, I am not going to rail
21 them about it.

22 The State ready to proceed?

23 MR. UNDERWOOD: We are, Your Honor.

24 THE COURT: Defense ready to proceed, Mr. Griffith?

25 MR. GRIFFITH: Yes, Your Honor.

1 MS. JOHNS: Yes, Your Honor.

2 THE COURT: Bring in the jury. Thank you, sir.

3 Who is the State's next witness?

4 MR. UNDERWOOD: Jason Wells, Your Honor.

5 THE COURT: Is he in court?

6 MR. UNDERWOOD: He is.

7 (Whereupon, the jury returns to open court at 9:57
8 a.m.)

9 THE COURT: Good morning, ladies and gentlemen. I
10 hope everybody had a pleasant evening. We are now going to
11 resume testimony.

12 Call your next witness.

13 MR. FERNANDEZ: Thank you, Your Honor. May it
14 please the Court. The State calls Jason Wells.

15 THE COURT: Sir, if you will come to the stand and
16 be sworn.

17 JASON WELLS,

18 having been duly sworn, testifies as follows:

19 THE COURT: State your full name, sir, and spell
20 your last name for the court reporter.

21 THE WITNESS: Jason Wells, W-e-l-l-s.

22 THE COURT: You may proceed.

23 DIRECT EXAMINATION

24 BY MR. FERNANDEZ:

25 Q. Jason, good morning. Would you please tell the

1 jury with whom you are currently employed?

2 A. Yes, I'm a special agent with the South Carolina
3 Law Enforcement Division.

4 Q. Thank you. Could you also tell the jury a little
5 about yourself, your education and your career in law
6 enforcement.

7 A. Yes. I'm a 1998 graduate of Auburn University.
8 And I began my law enforcement career in 1999 with the
9 Columbus, Georgia Police Department as a patrol officer. In
10 2000, I became a special agent with the Georgia Bureau of
11 Investigation. And I was employed there as a drug
12 enforcement agent through 2004. I relocated to South
13 Carolina and was a deputy sheriff with the Lexington County
14 Sheriff's Office. And in 2005, I began with SLED. And have
15 been with SLED ever since, primarily as a drug enforcement
16 investigator. And the last five years, I've been working
17 drug investigations with the State Grand Jury.

18 Q. And if you would, please tell us a little bit about
19 your responsibilities as an investigator in the State Grand
20 Jury unit. What kind of duties do you have and
21 investigations do you conduct?

22 A. Yeah. With the State Grand Jury, I primarily have
23 been investigating drug trafficking conspiracies, which
24 every case I've worked on has been on multi-state
25 investigation. They've involved marijuana, heroin,

1 methamphetamine, cocaine.

2 Q. How much of your law enforcement career has been
3 dedicated to drug enforcement?

4 A. Out of the 17 years I've been in law enforcement,
5 10 of them have been dedicated solely to drug trafficking.

6 Q. And how many multi-county or multi-state drug
7 narcotic trafficking conspiracy investigations have you been
8 associated with?

9 A. Effectively, seven.

10 Q. And were you assisting in the case we are here for
11 today?

12 A. Yes.

13 Q. And who was the lead case agent on that case?

14 A. Agent Justin Wingo.

15 Q. And what was your role in investigating this drug
16 conspiracy?

17 A. Okay. On February 8th of 2016, my responsibility
18 was to oversee the execution of a search warrant at an
19 apartment in Ladson, South Carolina. It was located at [REDACTED]
20 Patriot Boulevard, Apartment [REDACTED]. And this was the
21 residence of Justin Gordon Hunter.

22 Q. And what was your designation for this execution of
23 this search warrant?

24 A. Okay. It was to oversee the overall search warrant
25 and to write the -- write out the investigative report.

1 Q. Did you also serve as evidence custodian for that
2 search warrant?

3 A. Yes, yes.

4 Q. And please tell the jury a little bit about what
5 that involves.

6 A. Okay. So at a location such as this here, I set up
7 a station where the evidence is brought to me. I document
8 all the evidence on our evidence receipts and write the
9 overall report. And my other responsibility was to get the
10 evidence turned in. Drug evidence is turned into our lab.
11 Any currency that's found is turned into our finance
12 department. Nondrug evidence is turned into our State Grand
13 Jury evidence room. And I think that's all the type of
14 evidence we would collect at this point.

15 Q. Any time a piece of evidence is located during a
16 search warrant, are you notified of its location?

17 A. Yes.

18 Q. And once notified of its location, what then would
19 you typically do for all pieces of evidence that are
20 collected?

21 A. Well, the evidence is photographed. We generally
22 had a person that takes all of our photographs. And then I
23 would collect the evidence and document it. And it's
24 transported by me to our lab.

25 Q. Do you collect the evidence in its initial location

1 or is the evidence brought to you in some central location?

2 A. Well, in this specific search warrant, we had
3 somebody responsible for actually picking up the evidence
4 from where it was originally sitting and bringing to me at
5 the apartment. I had just set up a station, yeah.

6 Q. And are you familiar with the layout of this
7 apartment?

8 A. Yes, somewhat.

9 Q. Could you just briefly describe the location, the
10 complex itself, and then the actual apartment that you would
11 have searched?

12 A. Yeah. This was a multi-story apartment complex.
13 And this particular apartment, I believe it was a
14 three-bedroom apartment, three-bedroom, two-bath
15 apartment.

16 Q. Once entering the front door, kind of describe the
17 general layout.

18 A. Yeah. The master bedroom was located -- you come
19 into a small foyer area. And the master bedroom was located
20 on the left. The kitchen was straight ahead of you.
21 There's a living room there. And then you go back to the
22 two other bedrooms and a bathroom.

23 Q. And specifically regarding any narcotics evidence
24 that's recovered, what would you do when retrieving a piece
25 of drug evidence?

1 A. Okay. We seal those in what's called a BEST kit.
2 And then they go to the SLED lab. And we request a drug
3 analysis on those.

4 Q. Would you have been the one to have taken that
5 sealed evidence to the lab?

6 A. Yes.

7 MS. JOHNS: No objection.

8 THE COURT: Mr. Griffith?

9 MR. GRIFFITH: No objection, Your Honor.

10 THE COURT: What number is that?

11 MR. FERNANDEZ: Your Honor, this is State's Exhibit
12 119.

13 THE COURT: 119 is marked and admitted without
14 objection.

15 (State's Exh. 119, Drug labeled L16-1874, is
16 received in evidence.)

17 BY MR. FERNANDEZ:

18 Q. Agent Wells, I'm handing you what's been marked
19 State's Exhibit 119 now into evidence, as well as what's
20 been marked and entered into evidence previously at State's
21 Exhibit 155. If you would, please take a look at these two
22 items and familiarize yourself with them. And let me know
23 if you recognize what they are.

24 A. Yes. This is a bag of green leafy material. There
25 are eight bar-shaped pills in here. There's a bag of white

1 powder.

2 Q. And the best kits they were placed in, do you
3 recognize the name on the person who documented that?

4 A. Yes, that's my name.

5 Q. So is that, in fact, the BEST kit that you sealed
6 on scene?

7 A. Yes.

8 Q. And could you tell us where you located these items
9 in the apartment?

10 A. Yep.

11 Q. And I apologize asking questions before you do
12 that --

13 A. These were located in multiple locations. Just one
14 second.

15 Q. As evidence custodian for this search warrant, did
16 you document everything that went on in the form of a
17 report?

18 A. Yes.

19 Q. And do you use that report to rely on specific
20 information for a later date?

21 A. Yes. The bag of white powdery substance here was
22 found by Special Agent Regina Douge in the master bedroom of
23 the vanity, second drawer from the bottom on the left side
24 of the sink.

25 There's a black digital scale in here. And a

1 digital scale is something that is -- we find a lot at
2 people's residences who are involved in drug distribution.
3 That's used for weighing drugs. This was found by Special
4 Agent Regina Douge also on the countertop of the master
5 bedroom vanity -- master bathroom vanity.

6 There's a metal spoon in here that contains a white
7 powdery residue that was found by Specialty Agent J.J. Evans
8 in the master bathroom vanity, second draw from the bottom
9 on the left side of the sink. So that spoon was also -- it
10 was located with the bag of white powdery substance here.

11 Bag of eight bar-shaped white pills were found by
12 Special Agent Ryan Shipley in the top drawer of the
13 nightstand on the right side of the bed when you are facing
14 the bedroom in the master bedroom.

15 Q. And I think you testified before, but then you did
16 package those items in a BEST kit and transported it to the
17 SLED laboratory for analysis?

18 A. Yes.

19 Q. And if you could, the second document I handed you,
20 are you familiar with what that is?

21 A. Yes. This is a SLED drug analysis report.

22 Q. And if you would, the SLED lab number, does it
23 match the items from the report on the items that you turned
24 in?

25 A. Yes.

1 Q. And just read into the record the lab number, if
2 you would?

3 A. The lab number is L16-01874.

4 Q. And is that the same as on your items?

5 A. Yes.

6 Q. If you would, please publish for the jury the
7 results of the examination of those items?

8 A. Okay. The white eight bar-shaped pills come back
9 as a Schedule IV substance called alprazolam.

10 The white powdery substance says, no controlled
11 substance detected.

12 The green leafy material says that marijuana was
13 detected. And it weighed 4.11 grams.

14 The digital scale in here tested positive for
15 Schedule I controlled substance known as heroin.

16 And the metal spoon also tested positive for
17 heroin.

18 And those both say no weight was obtained, so a
19 residue.

20 Q. Thank you.

21 MR. FERNANDEZ: Your Honor, this is State's Exhibit
22 120.

23 THE COURT: Any exception?

24 MR. GRIFFITH: No objection.

25 THE COURT: Ms. Johns?

1 MS. JOHNS: No, Your Honor.

2 THE COURT: Make sure if there are any reports
3 referred to that, the exhibit number is referenced. 120 is
4 marked and admitted without objection.

5 (State's Exh. 120, Tupperware labeled L16-1873,
6 is received in evidence.)

7 BY MR. FERNANDEZ:

8 Q. Agent Wells, I'm handing you what's been marked and
9 admitted as State's Exhibit 120. Will you please take a
10 look at this item and let me know if you recognize it.

11 A. Yes.

12 Q. Please tell us what that is and where you located
13 it.

14 A. This is a plastic Tupperware container and a
15 plastic lid to a coffee grinder. These were located by
16 Special Agent J.J. Evans in the bottom cabinet of the master
17 bathroom vanity.

18 Q. Is that the same general area as the other items
19 were discovered?

20 A. Yes.

21 Q. And what would be the significant of otherwise
22 ordinary household items? What would be the significance
23 when in proximity to the other items we just discussed?

24 A. Well, these items -- I notated that they both
25 contained a -- they both were suspected of containing a drug

1 residue. And these were items that could be used for mixing
2 substances in them.

3 MR. FERNANDEZ: Your Honor, this would be State's
4 Exhibit Nos. 138, 139, 140, 169, 170, 172, 173, 174 -- I
5 apologize if they are out of order, Your Honor -- 171, 177,
6 176, 178, 179, 180 and 181.

7 THE COURT: Any exception from Mr. Griffith?

8 MR. GRIFFITH: No exception, Your Honor.

9 THE COURT: Ms. Johns?

10 MS. JOHNS: Your Honor, I would object to State's
11 Exhibit 172, 173, 174.

12 THE COURT: Those will be marked for ID only at
13 this point. We will take them up outside the jury's
14 presence in a moment.

15 138 through 140 are marked and admitted without
16 objection. 169, 170, 171, 176, 177, 178 and 179, 180 and
17 181 come in without objection.

18 (State's Exh. 138, Rule to Vacate, was received
19 in evidence.)

20 (State's Exh. 139, Capital One Statement, was
21 received in evidence.)

22 (State's Exh. 140, Direct Auto Insurance
23 statement, was received in evidence.)

24 (State's Exh. 169, Photo lineup, was received in
25 evidence.)

1 (State's Exh. 170, Photograph, was received in
2 evidence.)

3 (State's Exh. 171, Photograph, was received in
4 evidence.)

5 (State's Exh. 176, Photograph, was received in
6 evidence.)

7 (State's Exh. 177, Photograph, was received in
8 evidence.)

9 (State's Exh. 178, Photograph, was received in
10 evidence.)

11 (State's Exh. 179, Photograph, was received in
12 evidence.)

13 (State's Exh. 180, Photograph, was received in
14 evidence.)

15 (State's Exh. 181, Photograph, was received in
16 evidence.)

17 MR. FERNANDEZ: Permission to approach the witness?

18 THE COURT: You may. And let me see 172 through
19 174 while you are doing that.

20 BY MR. FERNANDEZ:

21 Q. Agent Wells, I'm handing you back the exhibit you
22 just reviewed as 120. I'm also handing you what's been
23 admitted and entered into evidence as State's Exhibit 154.
24 Would you please review that and compare the lab numbers for
25 each of those.

1 A. Yes. The lab number on this drug analysis report
2 is L16-01873.

3 Q. How does that compare to the Tupperware and coffee
4 grinder inside?

5 A. Yeah, it matches with these two containers.

6 Q. And was that container, in fact, tested by the SLED
7 laboratory?

8 A. Yes. It's two plastic containers with residue.
9 And result, they tested positive for heroin, a Schedule I
10 controlled substance.

11 Q. Thank you. Agent Wells, during the course of this
12 search warrant, did you also locate miscellaneous paperwork
13 at the residence?

14 A. Yes.

15 Q. And I believe you also testified, but please verify
16 that you also took pictures of the residence as well?

17 A. Yes, that's correct.

18 Q. Beginning with documentation, I'm going to handing
19 you -- permission to approach, Your Honor.

20 THE COURT: You may.

21 Q. I'm going to hand you what's been marked and
22 entered into evidence as Exhibit 138, 139, 140 and 181.
23 Will you please take a moment to review these items and let
24 me know if you recognize them.

25 A. Yes.

1 Q. Going one by one, will you please tell me what
2 piece of evidence you were referring to and describe to the
3 jury what it is.

4 A. This first piece is invoice from Enterprise
5 Rent-A-Car. And the renter of the vehicle is Justin Hunter.

6 This next document is a past-due invoice from
7 Direct Auto and Life Insurance in the name of Justin Hunter.

8 And the -- it was a piece of mail, and the mailing
9 address on here is [REDACTED] Bear Island Road, No. [REDACTED] in
10 Summerville, South Carolina.

11 Q. Agent Wells, please refer to the other one as well.
12 Can you clarify for the record what piece of evidence you
13 are referring to, the numbers?

14 A. State's Exhibit 140.

15 Q. And that would be?

16 A. This is the Direct Auto and Life Insurance past-due
17 invoice.

18 Q. And the previous piece of evidence you referred to,
19 the Enterprise Rental agreement?

20 A. Yes, this is State's Exhibit 181.

21 Q. Okay. And I'm sorry, for the former exhibit,
22 yellow piece of paper there, what's the address that was
23 located on it?

24 A. [REDACTED] Bear Island Road, No. [REDACTED], Summerville, South
25 Carolina, 29483.

1 Q. Thank you. Please proceed with the next items.

2 A. This next document is State's Exhibit No. 139. And
3 it is a Capital One Platinum Mastercard statement. And it
4 is in the name of Roy G. Hunter, care of Justin Hunter. And
5 the address on here is [REDACTED] Bear Island Road, Apartment [REDACTED],
6 Summerville, South Carolina.

7 Q. Thank you. Finally, could you please describe what
8 that last piece of paper is.

9 A. This is State's Exhibit No. 138. It is a State of
10 South Carolina, Berkeley County, court document.

11 Q. Who are the names listed on it?

12 A. Okay. The name on here -- I may not -- hope I
13 pronounce this right, Ramel Brown, and address -- this is
14 the plaintiff on this court document. The address is [REDACTED]
15 Arno Drive, Ladson, South Carolina.

16 Q. Thank you. And, again, for the record, where were
17 these items seized from, the location?

18 A. Those, I believe, were seized out of the BMW.

19 Q. What was the address, location address?

20 A. Yeah, the location where they were seized from was
21 [REDACTED] Patriot Boulevard, Apartment [REDACTED], Ladson, South
22 Carolina.

23 Q. Thank you.

24 MR. FERNANDEZ: Permission to approach, Your Honor.

25 THE COURT: You may.

1 BY MR. FERNANDEZ:

2 Q. I'm also going to show you -- and I believe you
3 testified already to having provided photographic evidence
4 of this apartment complex as well.

5 A. Yes.

6 Q. I'm handing you what's been marked as State's
7 Exhibits in evidence 169, 170, 171, 176, 177, 178, 179 and
8 180. Will you please take a moment to review these pictures
9 and let me know if you are familiar with them. And Agent
10 Wells, we will go through one by one on the screen, but let
11 me know if you are familiar with these pictures.

12 A. Yes.

13 MR. FERNANDEZ: Your Honor, permission to publish
14 for the jury.

15 THE COURT: Proceed.

16 BY MR. FERNANDEZ:

17 Q. Agent Wells, beginning with State's Exhibit 169,
18 will you please tell me what we are looking at and how much
19 currency that is.

20 A. Yes. This is \$3,000 of US currency found by
21 Special Agent Ryan Shipley in the chest drawers,
22 specifically the second drawer from the top in the master
23 bedroom. That drawer also contained male clothing,
24 including underwear and socks.

25 Q. Okay. Publishing State's Exhibit No. 179, what

1 bedroom is this a picture of?

2 A. This was the master bedroom.

3 Q. Publishing State's Exhibit No. 178, what is this a
4 photograph of?

5 A. This was a photograph of the chest of drawers.

6 Q. And what kind of clothing -- is this the master
7 bedroom?

8 A. Yes.

9 Q. And what kind of clothing was location in the
10 master bedroom chest of drawers?

11 A. Male clothing.

12 Q. That would be adult male clothing?

13 A. Yes.

14 Q. This is State's Exhibit No. 180, what are we
15 looking at?

16 A. This is a picture looking into the master bedroom
17 closet.

18 Q. And, again, what type of clothing, articles of
19 clothing were located in this closet?

20 A. Male clothing.

21 Q. Publishing State's Exhibit No. 170, please review
22 this and let me know what we are looking at.

23 A. This is a picture of the master bedroom bathroom
24 vanity top. There is the black digital scale with the
25 heroin residue located on it. And besides that is a box of

1 plastic baggies.

2 Q. What would be the significance -- we already know
3 the significance of the scale and residue. What would be
4 the significance of the plastic baggies?

5 A. That is an indication of someone who is involved in
6 drug distribution. I've seen this many times, where baggies
7 will be located next to scales. The baggies are used to
8 package narcotics and weigh them on the scale.

9 Q. Thank you. This is State's Exhibit 171. What is
10 that?

11 A. That's a photograph of the box of baggies that was
12 located on the master bathroom vanity top.

13 Q. Thank you. Also publishing State's Exhibit No.
14 177. Let us know what that is.

15 A. This is a Social Security card in the name of
16 Justin G. Hunter.

17 Q. Where was this located?

18 A. I don't have that specifically in here where that
19 was located. I do have a note of miscellaneous papers being
20 found in a Victoria's Secret bag in the master closet.

21 Q. And you documented all of these papers, paperwork,
22 and provided them to the evidence custodian?

23 A. Yes.

24 Q. Publishing State's Exhibit 176. Will you please
25 tell us what that is.

1 A. Yes. This is a New York State identification card
2 in the name of Justin G. Hunter.

3 Q. Was that also located in the miscellaneous
4 paperwork?

5 A. Yes.

6 MR. FERNANDEZ: Beg the Court's indulgence one
7 minute. Your Honor, this is State's Exhibit 168.

8 THE COURT: Any objection?

9 MR. GRIFFITH: No objection, Your Honor.

10 MS. JOHNS: No, Your Honor.

11 THE COURT: Without objection, admitted.

12 (State's Exh. 168, Money counter, is received in
13 evidence.)

14 BY MR. FERNDANDEZ:

15 Q. Handing you what's been marked and entered into
16 evidence Exhibit 168, please take a look at this and tell us
17 what it is, if you would.

18 A. Okay. This is a money counter, currency counter.

19 Q. And where was it located?

20 A. It was found by Special Agent J.J. Evans on the top
21 shelf in the master bedroom closet above the male
22 clothing.

23 Q. What would be the significance of a money counter?

24 A. This was something I've seen on a few occasions,
25 primarily by a -- someone who is not a low-level drug

1 distributor. This is someone who is going to be on the
2 upper level, who is receiving bulk amounts of cash. And
3 they will use this machine to count the cash for them,
4 basically to speed up the process, yeah.

5 Q. Are these pieces of machinery typically
6 inexpensive?

7 A. No. This would be what I would think would be an
8 expensive piece of machinery.

9 Q. Thank you.

10 MR. FERNANDEZ: Your Honor, I believe that just
11 leaves the last few documents.

12 THE COURT: We will deal with those outside the
13 jury presence. Are these the only other questions you need
14 to ask of the witness?

15 Any cross-examination, Mr. Griffith?

16 MR. GRIFFITH: If it please the Court, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. GRIFFITH:

19 Q. Special Agent Wells, was there anybody home when
20 you guys executed this warrant?

21 A. Well, when we arrived at the apartment complex, we
22 were looking for a vehicle that was a BMW that was known to
23 be driven by Mr. Hunter. The vehicle was not there, so we
24 did not approach the apartment. We sat in the parking lot
25 and conducted a surveillance and waited on the vehicle to

1 arrive. Didn't wait very long. The vehicle arrived.
2 Mr. Hunter and a female named Viviana Serrano exited the
3 vehicle. They had a small child with them. And I stayed in
4 the vehicle that I was in, doing surveillance while Agent
5 Wingo and Lieutenant Dorsey and one of the local
6 investigators approached.

7 They got into a vehicle with Mr. Hunter and drove
8 off. And Lieutenant Dorsey and myself at that point, we
9 approached Ms. Serrano. She was presented the search
10 warrant. And she unlocked the apartment with a key that she
11 had. And nobody was inside the apartment when we went in.

12 Q. Mr. Rogers (sic) wasn't there at all? I mean,
13 Roberts.

14 A. No, sir, there was nobody there.

15 Q. No evidence of that.

16 CROSS-EXAMINATION

17 BY MS. JOHNS:

18 Q. Hello, Agent Wells. I want to ask you about this
19 machinery you said.

20 A. Okay.

21 Q. Have you ever bought one?

22 A. I've never bought one.

23 Q. Is it illegal to have one?

24 A. No.

25 Q. Okay. And your basis for saying that it's

1 expensive is based on you've seen it online?

2 A. I have not looked up this particular piece, but ...

3 Q. When was the last time you looked up a piece?

4 A. Well, I know there are different models of these.

5 And being expensive is relative to someone on how much money
6 you have. But to me, this would be an expensive piece of
7 equipment.

8 Q. To you it would?

9 A. Yes, ma'am.

10 Q. I'm going to give you a stack of documents --

11 MS. JOHNS: May I approach, Your Honor? I'm sorry.

12 THE COURT: That's okay. Yes.

13 BY MS. JOHNS:

14 Q. -- documents that have already been entered into as
15 an exhibit. One is an Enterprise Rental receipt, No. 181;
16 No. 140 is a Direct Auto Life Insurance document; State's
17 Exhibit 139, Capital One credit card statement; 1 is a
18 magistrate's court order to show cause with Ramel Brown's
19 name on it. Those, I think those five documents right
20 there, did you say you found them inside the apartment or
21 inside a car?

22 A. I believe these documents were found in the BMW
23 that they -- that Mr. Hunter arrived in.

24 Q. So this -- these five documents were inside a car
25 that Vivian Serrano and Justin Hunter arrived in, correct?

1 A. Yes.

2 Q. And with regards to State's Exhibit No. 176, which
3 is the New York State identification card, would you please
4 publish the date of issue?

5 A. Yes. It's March 20th of 2013.

6 Q. Okay. Did you get a lease for the apartment at
7 Patriot Boulevard?

8 A. I did not, no.

9 Q. You did not?

10 A. No.

11 Q. So you don't know who actually had tenancy at that
12 apartment, do you?

13 A. No. That would have been done before my
14 involvement in this. I assume by -- that's part of
15 obtaining the search warrant, is knowing who's on the lease.

16 Q. Did you review any document with regards to who was
17 on the lease?

18 A. No.

19 Q. Do you know what kind of employment Viviana Serrano
20 had?

21 A. We had some casual conversation, but I do not
22 remember that.

23 Q. Do you know if she worked in a service industry
24 where she would receive tips?

25 A. I don't have all of that.

1 MS. JOHNS: Thank you. Nothing further.

2 THE COURT: Madam Forelady, ladies and gentlemen, I
3 have a very brief matter of law to take up with counsel.
4 During the break, please do not discuss the case and please
5 leave your notepads in your seats.

6 (Whereupon, the jury leaves open court at 10:37
7 a.m.)

8 THE COURT: What's the objection to State's 172 and
9 173 and 174?

10 MS. JOHNS: Your Honor, I believe 173, 174 is the
11 unfolded piece of paper that was found in 172.

12 THE COURT: Uh-huh.

13 MS. JOHNS: And I would object, one, based on
14 relevancy, and also authenticity. I don't know where that
15 came from, who wrote it or who it belonged to, really. And
16 then again, I would argue that it may be -- I think it's
17 irrelevant. I think it's not authenticated. And I would
18 object on those grounds.

19 THE COURT: For what purpose is the State offering
20 this document?

21 MR. FERNANDEZ: Your Honor, the notes were found in
22 the residence of Justin Hunter, specifically, I think and I
23 believe the bedroom location. Your Honor, the notes appear
24 to be a list of individuals with phone numbers attached.
25 And I would elicit testimony from Agent Wells describing

1 conduct consistent or familiar with his investigation as to
2 why someone might have, in addition to the drugs and the
3 evidence of narcotic trafficking, why he might have a list
4 of individuals with different phone numbers.

5 THE COURT: Do you have anything that can
6 authenticate that this is, in fact, Mr. Hunter's
7 handwriting?

8 MR. FERNANDEZ: Your Honor, it was found in his
9 bedroom.

10 THE COURT: Do you have anything to corroborate
11 this as his handwriting?

12 MR. FERNANDEZ: No, Your Honor.

13 THE COURT: Do you have anything that would tie any
14 of these numbers to the transactions you are alleging took
15 place?

16 MR. FERNANDEZ: Your Honor, I believe one of the
17 phone numbers is Tommy Sekula.

18 THE COURT: You believe or it is?

19 MR. FERNANDEZ: I would have to review the list
20 again, but I believe so.

21 THE COURT: Anything further from the State?

22 MR. FERNANDEZ: Other than potentially verifying
23 for Your Honor that number, then, no.

24 THE COURT: Do you take a position on the note,
25 Mr. Griffith?

1 MR. GRIFFITH: No, Your Honor. I join Ms. Johns in
2 her objection.

3 THE COURT: I am constrained to sustain the
4 objection on 172, 173 and 174. They are speculative at
5 best. They cannot be authenticated. In addition, it's
6 hearsay. Somebody else's handwriting that you can't
7 corroborate. They will be marked for ID only.

8 Get the jury for me, please.

9 Is the State going to have any redirect of this
10 witness?

11 MR. FERNANDEZ: No, Your Honor.

12 THE COURT: Who's the State's next witness?

13 MR. FERNANDEZ: Misael Vasquez.

14 (Whereupon, the jury returns to open court at 10:41
15 a.m.)

16 THE COURT: Does the State have any redirect of the
17 witness?

18 MR. FERNANDEZ: No, Your Honor.

19 THE COURT: Any objection to the witness being
20 excused, from the State?

21 MR. FERNANDEZ: None.

22 MR. GRIFFITH: None, Your Honor.

23 MS. JOHNS: No, Your Honor.

24 THE COURT: Sir, you are excused.

25 Madam Forelady, ladies and gentlemen, I hate to

1 make you get up and get down, but we have another brief
2 matter of law we need to take up. During the break, please
3 do not discuss the case. And please leave your notepads in
4 your seats. Should be about five minutes. Gives you a
5 chance to use the restroom as well.

6 (Whereupon, the jury leaves open court at 10:42
7 a.m.)

8 (Court's Exh. 2, State's request to charge, was
9 marked for identification.)

10 (Whereupon, recess transpired.)

11 THE COURT: Please bring in the jury.

12 (Whereupon, the jury returns to open court at 10:50
13 a.m.)

14 THE COURT: The State may call its next witness.

15 MR. FERNANDEZ: Thank you, Your Honor. May it
16 please the Court. The State calls Misael Vasquez.

17 MISAEL VASQUEZ,

18 having been duly sworn, testifies as follows:

19 THE CLERK: State and spell your name for the court
20 reporter.

21 THE WITNESS: My name is Misael, M-i-s-a-e-l,
22 V-a-s-q-u-e-z.

23 THE COURT: You may proceed.

24 DIRECT EXAMINATION

25 BY MR. FERNANDEZ:

1 Q. Agent Vasquez, with whom are you currently
2 employed?

3 A. SLED.

4 Q. Please tell the jury a little bit about yourself,
5 your education, career, even before law enforcement, and
6 then what brought you into law enforcement.

7 A. I've been with SLED for about little over six and a
8 half years. Before that, I was in the military. I was
9 serving as a Korean linguist. And afterwards, I finished my
10 term, I went to USC. Got a bachelor's degree. And then I
11 went to on Richland County. I was with Richland County
12 before I was with SLED. When SLED, I started working in the
13 gang task force. We did gang grand jury cases. And then
14 after that, I worked grand jury --

15 (Whereupon, the court reporter indicates she's
16 having trouble understanding the witness.)

17 Q. Could you just repeat what you've just said about
18 the gang task force and the State Grand Jury.

19 A. I worked the gang task force. And we did State
20 Grand Jury cases. And after working that, I went to work in
21 the State Grand Jury SLED in the narcotics cases.

22 Q. And what are your responsibilities and roles as an
23 investigator or agent with the State Grand Jury narcotics
24 unit?

25 A. Our role is to investigate multi-jurisdictional

1 narcotics groups and organizations. We investigated pretty
2 heavy. The cases take a while to investigate. And we
3 have -- we do it through purchases of undercover narcotics.
4 We do it through testimony as well.

5 Q. Agent Vasquez, how many years do you have
6 experience with narcotics investigations, particularly
7 trafficking conspiracy investigations?

8 A. I've been investigating trafficking conspiracies
9 for about four years now.

10 Q. Agent Vasquez, did you have an opportunity to
11 assist in the investigation of this trafficking conspiracy?

12 A. I did.

13 Q. And what was your role with this -- first, who was
14 the case agent for this particular investigation?

15 A. Case agent was Justin Wingo. And my role in the
16 investigation was to serve the warrant on 116 Summer Creek.

17 Q. And is that Summer Creek Drive?

18 A. Summer Creek Drive, yes.

19 Q. And what county is that located in?

20 A. Berkeley.

21 Q. What day did you -- first of all, was this -- what
22 brought you to Summer Creek, what mechanism? Why were you
23 there?

24 A. Agent Wingo was conducting a case. He conducted
25 several undercover buys from this individual. And this was

1 the residence where he lived.

2 Q. And what was your role in the execution of this
3 search warrant at this residence?

4 A. I was taking home evidence, document it and turn it
5 in to SLED.

6 Q. And as the custodian of evidence and documentation,
7 what does that involve? What would you typically do?

8 A. Typically, when you go into these places, you set
9 up a center command post, if you would like. And then you
10 assign certain agents to certain rooms, so you know what
11 came from which room and by which agent. Once they spot
12 these things of importance, whatever we would be
13 investigating, they come get me, and I document it.

14 Q. And by document, did you prepare a report as a
15 result of all of these items that you found?

16 A. Yes.

17 Q. And what kind of things would you put in your
18 report?

19 A. I would have put in any narcotics, any ledgers, any
20 weapons, any -- and anything that they could use to either
21 manufacture, store the narcotics.

22 Q. And do you, in fact, have a copy of your report?

23 A. I do.

24 Q. Why would you want a copy of your report? Why
25 would you use a report later?

1 A. To just refresh everything up. It's been awhile,
2 and to have it as evidence.

3 Q. Now, Agent Vasquez, did you also -- could you
4 please tell the jury a little bit about the location itself?
5 What kind of neighborhood this was and the physical building
6 you entered into?

7 A. The neighborhood was the neighborhood of mobile
8 homes. And they were various kids running around the road.
9 And he was towards the back of the neighborhood. His
10 trailer, I believe, was yellow -- I'm sorry, white and blue.
11 And that's where he lived.

12 Q. And if you would, please detail the interior of the
13 mobile home at 116 Summer Creek Drive.

14 A. When you first go into the mobile home, you enter
15 on the left-hand side. There's a little ramp or deck before
16 you go into the mobile home. There is -- immediately after
17 the door, there's a couch. And immediately in front of you,
18 there's a table. And couple of bedrooms down the hallway,
19 and finally a bedroom in the back.

20 Q. And what day did you execute this search warrant
21 again?

22 A. The search warrants was executed on February 8th,
23 2016.

24 Q. Thank you. Please tell the jury a little bit about
25 the execution of this search warrant. Was it -- how did it

1 go down, actually, the operation?

2 A. Okay. We met before serving the warrant as a team
3 and decided how we were going to approached this. I was
4 introduced to my teammates for the day. And then we went to
5 the house. Once we went to the house, Berkeley County
6 Sheriff's SWAT team made an entrance into the building.

7 Q. Was this a forcible entry?

8 A. Yes, it was.

9 Q. And please describe to the jury, for those who
10 haven't seen that, what does that involve?

11 A. It involved them knocking on the door, announcing
12 themselves, and either opening the doors by means or
13 throwing in some kind of fashion.

14 Q. Thank you. And did you document who was found
15 inside of the mobile home at 116 Summer Creek?

16 A. Yes.

17 Q. And who was there, physically located there when
18 they affected entry?

19 A. Mr. Orlando William, Orlando Brown -- I'm sorry,
20 Henry Roberts and William Orlando Brown.

21 Q. Thank you. Now, when you collected evidence from
22 Summer Creek, when agents were in the interior of the unit,
23 did you actually physically lay eyes on the location where
24 the evidence was discovered, or did they bring it to you in
25 a central location?

1 A. I physically laid eyes on the location. Like I
2 said, they came and got me when they found something. And I
3 went to photograph it in the location where it was found.

4 Q. If you located any piece of evidence, but
5 particularly narcotics, evidence of narcotics, what did you
6 do with the narcotics evidence?

7 A. The narcotics evidence was photographed. It was
8 documented and put into SLED BEST kit.

9 Q. What's a BEST kit?

10 A. BEST kit is a kit where we document chain, who had
11 the drugs, where it came from, the suspect, the address, the
12 case number. And you submit it all to SLED lab for
13 processing.

14 Q. And would you have sealed that BEST kit after
15 placing narcotic evidence into it?

16 A. Yes. It is sealed with a seal that shows it hasn't
17 been tampered with, hasn't been opened or closed.

18 Q. What did you do with that sealed BEST kit of
19 narcotics evidence? What did you do with that once you
20 sealed it and the operation had concluded?

21 A. It was transported to Columbia for SLED analysis.

22 MR. FERNANDEZ: Your Honor, this is State's
23 Exhibits 92, 93 and 94, as well as previously entered
24 exhibits.

25 THE COURT: Well, they've already been admitted.

1 Any objection to State's Exhibit 92 through 94,
2 Mr. Griffith?

3 MR. GRIFFITH: No objection, Your Honor.

4 THE COURT: Ms. Johns?

5 MS. JOHNS: No, Your Honor.

6 THE COURT: Marked and admitted without objection.

7 (State's Exhs. 92, Drugs Labeled L16-01823, was
8 received in evidence.)

9 (State's Exhs. 93, Drugs Labeled L16-01825, was
10 received in evidence.).

11 (State's Exhs. 94, Drugs Labeled L16-01822, was
12 received in evidence.)

13 BY MR. FERNANDEZ:

14 Q. I'm handing you what's been marked and admitted as
15 State's Exhibit 92 and 147. Will you please review No. 92
16 and tell me if you recognize that particular piece of
17 evidence?

18 A. It's one of the BEST kits I used.

19 Q. How do you know it's one of the BEST kits you used?

20 A. I put my name on it. And when we submit it in the
21 lab, you get a case number. So when you get it back, it
22 matches the case number on the report.

23 Q. What is inside of that BEST kit?

24 A. Inside the BEST kit we had --

25 Q. Before we publish the actual results, tell me what

1 it is that you collected at the location.

2 A. In this one, we had a plastic sandwich bag
3 containing 11 individually wrapped baggies containing a
4 brown powder substance found inside an Intex brand air pump
5 that was inside a box in the far right kitchen cabinet. And
6 that was as soon as you come in to the right.

7 Q. Okay. And referring to -- I apologize, State's
8 Exhibit No. 147, do the SLED lab numbers on both exhibits
9 match? And if so, could you read those into the record?

10 A. Yes, the lab number is L16-01823.

11 Q. Okay. And if you would, please publish for the
12 jury what the results of the SLED analysis for that bag was?

13 A. They found marijuana in the sample tested.

14 Q. Did it give a weight?

15 A. Yes, it was 1.03 grams.

16 Q. I'm now handing you what's been marked as State's
17 Exhibit No. 93 and 146. Will you please review, first
18 number 93, and let me know if you recognize that piece of
19 evidence?

20 A. I do.

21 Q. And how do you recognize it?

22 A. It was collected from a kitchen table. It was
23 hidden in the knit cap.

24 Q. And what was in the particular BEST kit there?

25 A. A couple of baggies with a brown substance in them,

1 and also a little clear substance in here as well.

2 Q. And were you the one who collected those pieces of
3 evidence?

4 A. Yes.

5 Q. How do you know that?

6 A. Because I was the one documenting everything.
7 Holden was the one that found it. And I would have
8 documented it and grabbed it all.

9 Q. Is your name on the BEST kit?

10 A. Yes, it is.

11 Q. Please, if you would, then refer to the next
12 State's Exhibit No. 146. And if you would please compare
13 the SLED lab numbers to ensure that they are the same?

14 A. They are.

15 Q. And if you would, please read that lab number into
16 the record?

17 A. L16-01825.

18 Q. And what was the result of the SLED analysis of
19 that package?

20 A. The results of the SLED analysis was three plastic
21 baggies were containing heroin in the sample tested. And
22 total net weight was 3.09 grams.

23 And the other bags contained methamphetamine. And
24 the net weight for that was 1.65 grams.

25 Q. I'm now handing you State's Exhibit 94 and 145.

1 Please review State's Exhibit No. 94 and tell me if you
2 recognize what that is.

3 A. I do.

4 Q. And what is it?

5 A. Several baggies containing brown tar-like
6 substance.

7 Q. And where were they located?

8 A. On the kitchen table.

9 Q. And was that, in fact, evidence that you collected
10 and stored in the BEST kit?

11 A. Yes.

12 Q. And how do you know that?

13 A. I collected it and I put it in the BEST kit.

14 Q. Okay. And after returning that to the SLED lab for
15 analysis, do you have the analysis number? Would you please
16 compare the lab numbers to ensure they are the same.

17 A. They are.

18 Q. And if you would, please read that number into the
19 record.

20 A. L16-01822.

21 Q. Thank you. And please publish the results of that
22 analysis to the jury.

23 A. Heroin was found in the sample tested, with total
24 net weight of 4.9 grams.

25 Q. Thank you.

1 THE COURT: Any objection?

2 MS. JOHNS: No, Your Honor.

3 MR. GRIFFITH: No objection, Your Honor.

4 THE COURT: What number is that?

5 MR. FERNANDEZ: 97 and 98.

6 THE COURT: Marked and admitted without objection.

7 BY MR. FERNANDEZ:

8 Q. I'm handing you what's been marked as State's
9 Exhibits and entered into evidence, State's Exhibit 97
10 and -- I'm sorry, Your Honor, 96 and 97. I apologize.

11 THE COURT: 96 and 97 marked and admitted without
12 objection.

13 (State's Exh. 96, Air pump box, was received in
14 evidence.)

15 (State's Exh. 97, Air pump, was received in
16 evidence.)

17 BY MR. FERNANDEZ:

18 Q. Please take a moment and review State's Exhibit 96
19 and 97. And let me know if you recognize those items.

20 A. I do recognize these.

21 Q. Tell me what they are.

22 A. They are --

23 THE COURT: I'm sorry, I couldn't understand your
24 answer.

25 A. Pump you fill air mattresses with, an air pump.

1 Q. Where were these items located and what was the
2 significance of that?

3 A. These items were located in the kitchen cabinet.
4 And they had -- they contained drugs in the little
5 compartment here where the batteries should go. And this
6 pump was inside this box inside the cabinet with drugs
7 inside of it.

8 MR. FERNANDEZ: Thank you. Your Honor, this is
9 State's Exhibit 169.

10 THE COURT: Any objection?

11 MR. GRIFFITH: No objection, Your Honor.

12 MS. JOHNS: No, Your Honor.

13 THE COURT: Marked and admitted without objection.

14 (Exhibit 169A, digital scales, is received in
15 evidence.)

16 BY MR. FERNANDEZ:

17 Q. I'm handing you what's been marked and admitted as
18 State's Exhibit 169. Please take a moment to review those
19 items.

20 A. Okay.

21 Q. Do you recognize the contents of those, of that
22 bag?

23 A. I do.

24 Q. Please tell the jury what they are and where they
25 were located?

1 A. These are little scales used to measure out
2 narcotics before you sell them out and put them in
3 individual little bags.

4 Q. Where were they located?

5 A. They were located in the -- on the kitchen table.

6 MR. GRIFFITH: Objection, Your Honor.

7 THE COURT: Approach.

8 (Whereupon, the following bench conference takes
9 place.):

10 THE COURT: Are any of these that he's charged
11 with?

12 MR. FERNANDEZ: Yes, Your Honor.

13 THE COURT: Which one is he charged with? You
14 can't -- no, you can only charge one. Okay?

15 MR. GRIFFITH: They were not in his personal
16 possession. This was in the living room. That's where
17 Mr. Brown was sitting. My client was in the bedroom.

18 THE COURT: We will take it up outside the jury's
19 presence. Is this the last question you are going to ask
20 this witness?

21 MR. FERNANDEZ: Yes.

22 THE COURT: Madam Forelady, ladies and gentlemen, I
23 have a matter of law to take up with counsel. During the
24 break, please do not discuss the case. And we appreciate
25 your patience.

1 (Whereupon, the jury leaves open court at 11:11
2 a.m.)

3 (Whereupon, recess transpired.)

4 THE COURT: What's the basis of the objection's
5 Mr. Griffith?

6 And for the court reporter, we are referring to
7 Exhibits 184, 183 and 182 in descending order.

8 MR. GRIFFITH: Your Honor, this is a handgun that
9 was found on a couch at 116 Summer Creek where Mr. Brown and
10 Mr. Roberts, along with a female, were arrested. At that
11 location, that gun was placed -- that is to say, it was
12 photographed as being on that couch where Mr. Brown
13 testified that he was sitting. He testified that my client
14 was in a back bedroom.

15 Your Honor, my client did not have this gun in the
16 furtherance, he was not arrested with this gun in the
17 furtherance of the commission of the crime. The gun was not
18 pointed at anyone. It was not in his possession. It was
19 brought in to prejudice the jury in an attempt to make him
20 look more violent and, of course, be found guilty of the
21 possession of a firearm in accordance with a violent crime.
22 But, Your Honor, this tends to be more prejudicial to the
23 client rather than producing anything for the State in a
24 positive manner. And it wasn't in his possession. And, in
25 fact, of course, it was next to Mr. Brown, as I've stated.

1 THE COURT: Ms. Johns, do you have any position on
2 it?

3 MS. JOHNS: Your Honor, I don't know that I have
4 standing for Summer Creek Drive. If I did, I would join in
5 the objection based on it being more prejudicial. I would
6 say it would be inflammatory more than probative, and I
7 would object.

8 THE COURT: Anything from the State?

9 MR. FERNANDEZ: Yes, Your Honor. The State would
10 offer the evidence. And allow me to clarify our position.
11 There were a number of firearms in this location. I believe
12 with the assertion that Mr. Brown was located in the front
13 chair or the couch in the entryway, and that then the
14 defendant, Mr. Roberts, was located in a back bedroom. As
15 Your Honor can see, a number of those long rifles were
16 located in the back bedroom, as well as a pistol, handgun,
17 the Glock was located in the back bedroom. The State would
18 proceed on the theory of constructive possession.

19 All the firearms, and I would elicit that testimony
20 from Agent Vasquez, that all the firearms were certainly
21 within the dominion and control of Mr. Roberts. It was his
22 location. It was his residence. There have been a number
23 of both testimony and video showing him living there. In
24 addition, Your Honor, all of the firearms that they seized
25 were accessible and within seconds of an individual.

1 Certainly, if he was in the bedroom, they located it in a
2 dresser in the bedroom --

3 THE COURT: What was located in the dresser of the
4 bedroom?

5 MR. FERNANDEZ: Correct, Your Honor.

6 THE COURT: No, I said what? I don't see a
7 picture.

8 MR. FERNANDEZ: We don't have a picture of that.
9 It's in the report.

10 THE COURT: Yeah, but I don't have a picture of
11 that, so I can't consider that.

12 MR. FERNANDEZ: I would ask Your Honor if I can
13 proffer some evidence then from the witness.

14 THE COURT: Without a picture of it, I am not going
15 to let him testify to that.

16 MR. FERNANDEZ: Okay.

17 THE COURT: It's prejudicial. What I need to know
18 is which gun did you charge him with possession of a weapon
19 during the commission of a violent crime and what's the
20 nexus to that charge? The statute contemplates someone
21 using it in furtherance of the crime, that being brandishing
22 it, showing it, or having the ability to show it to someone
23 while they were in the commission of the crime, not simply
24 going into a house, executing a search warrant and taking a
25 bunch of weapons. That's not what the statute

1 contemplates.

2 MR. FERNANDEZ: I believe I can get Your Honor a
3 case, but we would rely on just the simply constructive
4 possession ability --

5 THE COURT: That case was before. The Supreme
6 Court said what it said about nexus. It is not probative.
7 The Supreme Court been very clear about what -- and the case
8 that this grew out of was similar to this. The Supreme
9 Court said you have to prove a nexus. Person can't just be
10 around a gun while something is being committed. You have
11 to prove a nexus, that it was used in furtherance of it.

12 Yes, sir.

13 MR. GRIFFITH: Your Honor, they have not proved
14 either that during any of the videos or any of the testimony
15 of any of the people who they brought in to testify about
16 buying or appearing at this residence, that Mr. Roberts
17 brandished or possessed a gun. They have no evidence saying
18 that that -- that the gun appeared in, along with the
19 commission of any of the crime, Your Honor. And so in
20 furtherance of the crime, doesn't fit in this case.

21 And the prejudice and, in fact, being inflammatory,
22 as Ms. Johns's mentioned, nature of this evidence would cast
23 Mr. Roberts in the light that is, of course, favorable to
24 the State and unfavorable to him. But it would prejudice
25 the jury so much that they would feel, I believe, compelled

1 to find disfavor --

2 THE COURT: I'm listening. Anything further from
3 the State?

4 MR. FERNANDEZ: Yes, Your Honor. I would reference
5 testimony that we have had specifically regarding the
6 possession of firearms.

7 THE COURT: You had a very generalized statement
8 made by a witness who cannot prove any nexus. He could not
9 tie any one gun to any one transaction. He testified that
10 he usually was not present during transactions. At some
11 point, they became comfortable with him and eased him into
12 making transactions, but they never conducted a transaction
13 where a gun was exchanged. Everything he said really was
14 speculative. There was no objection, therefore, there was
15 nothing for the Court to rule on. But that doesn't mean, as
16 the gatekeeper, I'm going to let it all in, because it has
17 to pass the scrutiny that's required.

18 Possession of a weapon during the commission of a
19 violent crime requires the State to prove beyond a
20 reasonable doubt that the defendant was in possession of a
21 firearm or visibly displayed what appeared to be a firearm,
22 or visibly displayed a knife during the commission of a
23 violent crime. And in order for him to be found guilty of
24 that, you would have to prove beyond a reasonable doubt that
25 that particular weapon further advanced or helped in the

1 commission of the crime.

2 I am not aware of any case law that says
3 constructive possession of a gun proves possession of a
4 weapon during the commission of a violent crime. I'm
5 looking right now to make sure my memory is accurate, but I
6 am not aware of any such precedent.

7 MR. FERNANDEZ: If you give me one moment, I can
8 give you that cite I was speaking of. And also, to clarify
9 the record, beyond the currency exchange that the firearms
10 were used for, there was testimony about them using the guns
11 for protection.

12 THE COURT: You have to prove that he used it with
13 one of these transactions or that he was using it when you
14 went into this residence to execute this search warrant;
15 otherwise, it's not coming in.

16 MR. FERNANDEZ: Thank you.

17 THE COURT: Now, 184 is more prejudicial than
18 probative. It will be marked for ID only.

19 Now, I'm -- y'all concede, there was no testimony
20 from Mr. Brown about sitting in the vicinity of a gun on a
21 sofa. He testified he was sitting on the sofa when they
22 came in to the house. I would have to assume, ergo, he was
23 sitting by this gun. But there's been no testimony about
24 that.

25 MR. FERNANDEZ: Your Honor, I can provide you a

1 case.

2 THE COURT: I'm listening.

3 MR. FERNANDEZ: State v. Hamilton, 486 S.E. 2nd.

4 THE COURT: SC?

5 MR. FERNANDEZ: S.E. 2nd, 512, specifically page

6 516. And I will read, Your Honor --

7 THE COURT: I just need you tell you the year and
8 what court.

9 MR. FERNANDEZ: 1997, Court of Appeals.

10 THE COURT: I think Supreme Court was very clear
11 that everything before their decision supersedes. That moot
12 decision superseded all of that, but I will look at that.
13 It will be marked for ID only. That is ID only. I
14 sustained the objection on No. 184. And I've taken under
15 advisement 182 and 183.

16 MR. FERNANDEZ: I was going to say that case is
17 what the State would rely on for its nexus, the reliability
18 of the case would support our position.

19 THE COURT: Give me a moment, please.

20 This is not a possession of weapon case. This is
21 about burglary second. And you charged burglary second as
22 an element of another offense. And you get a qualifying
23 jury charge. How is this relevant to what we are talking
24 about?

25 MR. FERNANDEZ: I may have given you the wrong

1 case. This is an e-mail. I'm reading it. I'm sorry.

2 THE COURT: That's okay. If you have something
3 else you want me to look at, I will be glad to.

4 MR. FERNANDEZ: Yes, *State v. Whitesides*, 725 S.E.
5 2nd, 487. I believe that is, Your Honor --

6 THE COURT: All of these cases are factually
7 driven. In Whiteside, there was a tip. They found him in
8 his car with a gun in the side panel of his car. He got out
9 of the car. They searched him. And he had marijuana and he
10 had the gun right in the side panel. That was clearly a
11 nexus. I agree with the decision in this case. These facts
12 are not comparable to these facts.

13 MR. FERNANDEZ: Okay.

14 THE COURT: However, I do think it is a factual
15 issue as to whether he had constructive or actual possession
16 of a weapon.

17 And that would be for you to argue, Mr. Griffith,
18 to the jury. Mr. Brown did testify Mr. Roberts was armed
19 and -- well, in general, had weapons to protect himself.
20 And that the whole purpose of the statute is to guard
21 against behavior -- and I'm talking about possession of a
22 weapon during the commission of a violent crime. The
23 purpose of the legislation within the meaning of the statute
24 was to guard against those offenders who used a gun while
25 they are trafficking in any kind of illicit substance or

1 committing any other kind of offense, whether it be a
2 robbery, a burglary or otherwise. The whole purpose is for
3 firearm to be accessible and allow them to provide a defense
4 against someone who might attempt to rob them, thereby
5 committing another crimes in furtherance of the initial
6 crime. You can argue to the jury that Mr. Brown was sitting
7 on the sofa and this isn't your client's gun.

8 Now, why do we need two pictures of the gun?

9 MR. FERNANDEZ: One is a zoomed out version and the
10 other is closeup to better see the gun.

11 THE COURT: I will let 182 and 183 in subject to
12 the objection.

13 (State's Exh. 182, Photograph, is received in
14 evidence.)

15 (State's Exh. 183, Photograph, is received in
16 evidence.)

17 THE COURT: Anything further before we proceed,
18 from the State?

19 MR. FERNANDEZ: No, Your Honor. And this is for
20 ID?

21 THE COURT: That's to the court reporter for ID.

22 MR. FERNANDEZ: That would be all, Your Honor.

23 THE COURT: Anything further before we proceed,
24 Mr. Griffith?

25 MR. GRIFFITH: Nothing, Your Honor.

1 MS. JOHNS: No, ma'am.

2 THE COURT: Please bring in the jury.

3 THE FERNANDEZ: For housekeeping purpose, I did
4 forget a couple of pieces of evidence.

5 THE COURT: Did they agree to it?

6 MR. FERNANDEZ: I believe they will.

7 THE COURT: What numbers are they?

8 MR. FERNANDEZ: 185, 186, 187, 188.

9 THE COURT: Any objection?

10 MR. GRIFFITH: No objection, Your Honor.

11 MS. JOHNS: No, Your Honor.

12 THE COURT: 185 through 188 will be marked and
13 admitted without objection.

14 (State's Exh. 185, Cell phone, was received in
15 evidence.)

16 (State's Exh. 186, Cell phone, was received in
17 evidence.)

18 (State's Exh. 187, Cell phone, was received in
19 evidence.)

20 (State's Exh. 188, Cell phone, was received in
21 evidence.)

22 (Whereupon, the jury returns to open court at 11:47
23 a.m.)

24 THE COURT: We will now resume questioning the
25 witness.

1 You may proceed.

2 MR. FERNANDEZ: Thank you, Your Honor.

3 BY MR. FERNANDEZ:

4 Q. Agent Vasquez, I'm handing you what has been marked
5 and admitted into evidence as State's Exhibits 185, 186, 187
6 and 188. Will you please review these items. And let me
7 know if you recognize them. And if so, where they were
8 located, or what they are and where they were located?

9 A. This one here is a plastic Samsung flip phone. It
10 was located on the kitchen table. And it was documented and
11 evidenced into evidence of the Grand Jury.

12 Q. And what number would that be, the one you referred
13 to?

14 A. This would be number 17 --

15 Q. I'm sorry, on the State's Exhibit.

16 A. 188.

17 Q. Thank you.

18 A. This is a black LG Smartphone. It was found also
19 on the kitchen table. It was also logged into evidence in
20 the Grand Jury.

21 Q. What number is that State's Exhibit?

22 A. Exhibit No. 185.

23 Q. Thank you.

24 A. This is one of two HTC smart phones that were found
25 also on the kitchen table. And they were also put into

1 evidence in the Grand Jury.

2 Q. And what exhibit is that?

3 A. This one is Exhibit 187. And this one is Exhibit
4 Number 186.

5 Q. Okay. Thank you. Agent Vasquez, I'm handing you
6 back State's Exhibit 94 and 145. You previously read those
7 into the record. I want to also read, if you would, read
8 both parts of the SLED analysis.

9 A. The results are 11 plastic bags, each containing a
10 powder substance. Heroin was found in the sample tested.
11 Total weight of those were 4.9 grams. The maximum was
12 attainable --

13 (Whereupon, the court reporter indicates she's have
14 trouble understanding the witness.)

15 MR. FERNANDEZ: Can you please read that slower.

16 A. The maximum attainable statutory threshold has been
17 met for the substance. Gross weight, including the
18 packaging of the remaining substance is 4.22 grams.

19 Q. Thank you. Agent Vasquez, I'm now handing you
20 State's Exhibit No. 182 and 183. Will you please review
21 these for me and let me know if you recognize those
22 photographs.

23 A. Yes, I do.

24 Q. Could you please give a very brief description
25 about the location those photographs were taken?

1 A. These photographs were taken on a couch. The couch
2 was located right as you walk into the door to the
3 right-hand side.

4 Q. Thank you. Is this a true and accurate
5 representation of what you personally viewed in your duties
6 as an evidence custodian at this location?

7 A. Yes.

8 Q. Agent Vasquez, I'm showing you State's Exhibit 182.
9 Please tell the jury what they are viewing?

10 A. Again, that's a couch located by the front door.
11 You can see the window back behind it.

12 Q. And in reference to this location, where would the
13 kitchen be?

14 A. It's a mobile home. It wasn't that wide. So
15 basically was as wide as this couch would be here. Kitchen
16 table would be right where he's standing. And then kitchen,
17 right where you guys are.

18 Q. So a matter of feet?

19 A. Matter of feet, yes.

20 Q. And what is located on the right side of the couch
21 cushion?

22 A. Handgun.

23 Q. Do you know the model and make?

24 A. It's a Ruger P-90 handgun.

25 Q. I'm going to show you State's Exhibit 193. What is

1 this a picture of?

2 A. That was of the weapon found on the couch.

3 Q. Same make and model you just stated?

4 A. Yes.

5 MR. FERNANDEZ: Beg the Court's indulgence.

6 THE COURT: Yes, sir.

7 MR. FERNANDEZ: No further questions from this
8 witness, Your Honor. Thank you.

9 THE COURT: Mr. Griffith.

10 MR. GRIFFITH: If it please the Court, Your Honor.

11 THE COURT: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. GRIFFITH:

14 Q. Agent Vasquez, were you present when the agents
15 entered the trailer?

16 A. No, sir. The SWAT team has training doing that.
17 So we stood back behind and let them do it.

18 Q. After they entered the trailer, did you then enter
19 the trailer?

20 A. Yes, I did.

21 Q. And you testified there were two people there. You
22 testified that Mr. Brown was there and that Mr. Roberts was
23 there. Was anyone else there?

24 A. I do believe there was a female there.

25 Q. So there were three people there, not two?

1 A. Yes.

2 Q. Mr. Brown testified as to where he was and where
3 the other people were. Were you aware of where other people
4 were when they were arrested?

5 A. I was aware that Mr. Brown was sitting on the couch
6 and that Mr. Roberts was further back in the residence.

7 Q. So Mr. Roberts was not on the couch, is that what
8 you are telling me? Isn't that true?

9 A. That's true.

10 Q. All these items that you picked up in there, were
11 fingerprint analysis done on any of those?

12 A. No, sir.

13 Q. Were they found in anyone's possession, that is, in
14 their pockets or anything like that?

15 A. No. They were found on the kitchen table with
16 various other mail and such things as that.

17 Q. So there was no real way to tell whose items they
18 were, is there?

19 A. No, sir, but they were in his control and
20 dominion.

21 MR. GRIFFITH: I have no further questions.

22 THE COURT: Ms. Johns.

23 MS. JOHNS: I have nothing for this witness.

24 THE COURT: Any redirect from the State?

25 MR. FERNANDEZ: No, Your Honor.

1 THE COURT: Any objection to the witness being
2 excused, from the State?

3 MR. FERNANDEZ: None.

4 THE COURT: From the defense?

5 MR. GRIFFITH: None, Your Honor.

6 MS. JOHNS: No, Your Honor.

7 THE COURT: Sir, you are excused.

8 MR. UNDERWOOD: Who is your next witness?

9 THE COURT: Approach.

10 (Whereupon, a bench conference takes place off the
11 record.)

12 THE COURT: Madam Forelady, ladies and gentlemen,
13 we are going to take advantage of this break in testimony to
14 take our lunch recess. We anticipate that the next witness
15 might be fairly lengthy, so we are going to let y'all go to
16 lunch. And then we are going to resume testimony.

17 We are going to break until 1:15. That gives you
18 an hour and 15 minutes. During the break, I had to look at
19 the clock because one time I sent my jury out for two hours
20 and didn't realize it. I was looking for the jury and I was
21 pacing. And my clerk said, I thought something was wrong
22 because you told them to come back two hours from now. I
23 said, why didn't you stop me? You know I can't count.
24 Little joke at my expense.

25 We will resume at 1:15. If you will return

1 directly to your jury room, please do not discuss the case
2 with anyone. Don't watch, read or listen to any media
3 accounts. And don't have any contact with anyone in or
4 about the courtroom when you return. Thank you for your
5 patience this morning. Leave your notepads in your seats.

6 (Whereupon, the jury leaves open court at 11:57
7 a.m.)

8 THE COURT: Is there anything before we break for
9 lunch from the State?

10 MR. UNDERWOOD: Nothing, Your Honor.

11 THE COURT: From the defense?

12 MR. GRIFFITH: No, Your Honor.

13 MS. JOHNS: No, Your Honor.

14 THE COURT: We will finish with Agent Wingo. You
15 indicated that's your last witness?

16 MR. UNDERWOOD: Yes, Your Honor.

17 THE COURT: I will hear motions, of course, advise
18 the defendant of his constitutional rights, and probably let
19 the defense, if they don't have any witnesses, rest. And we
20 will do charge conference and close and charge in the
21 morning, because I don't charge and close after three
22 o'clock. It's not a good idea ever unless you want to spend
23 the night at the courthouse.

24 Please make sure that the court reporter has all
25 the exhibits, that you don't have any on your tables. Y'all

1 have a good lunch. I will see y'all at 1:15.

2 (Luncheon recess was taken.)

3 THE COURT: The State ready to proceed?

4 MR. UNDERWOOD: Yes, Your Honor.

5 THE COURT: Defense ready to proceed?

6 MR. GRIFFITH: Yes, Your Honor.

7 MS. JOHNS: Yes, Your Honor.

8 THE COURT: Please bring in the jury. You can
9 bring in the jury.

10 (Whereupon, the jury returns to open court at 1:18
11 p.m.)

12 THE COURT: The State may call its next witness.

13 MR. UNDERWOOD: Your Honor, the State calls Special
14 Agent Justin Wingo.

15 JUSTIN WINGO,

16 having been duly sworn, testifies as follows:

17 THE CLERK: State your name for the court reporter.

18 THE WITNESS: My name is Justin Wingo, W-i-n-g-o.

19 THE COURT: You may proceed.

20 DIRECT EXAMINATION

21 BY MR. UNDERWOOD:

22 Q. Agent Wingo. If you would please take a moment and
23 introduce yourself to the jury. Tell them about your
24 education, training and current career.

25 A. Yes, sir. Good afternoon, everyone. I'm Special

1 Agent Justin Wingo with the State Law Enforcement Division.
2 I'm a narcotics agent who specializes in large-scale drug
3 trafficking conspiracies with multi-county, multi-state
4 impact.

5 I graduated from The Citadel, class of 2014. After
6 graduating from The Citadel, I was an intern with SLED for
7 little over six months. I believe it was in November I got
8 hired on as a narcotics agent with SLED. Two weeks later,
9 they shipped me off to the Criminal Justice Academy, where I
10 graduated in March of 2015. After graduating, I was placed
11 into an FTA program with Lieutenant Max Dorsey. And six
12 months later, I guess I did enough for him to prove that I
13 was a sufficient agent. And he cut me loose. And then I
14 was given this case.

15 Q. Agent Wingo, how did SLED become involved in this
16 case?

17 A. Early September 2015, Lieutenant Dorsey approached
18 me and stated that Dorchester County reached out for some
19 help, saying they had a large organization that was
20 trafficking heroin around this area. I drove down here and
21 met with Dan Lundberg and another investigator. He briefed
22 me on the case saying they had done about six buys on a
23 couple of individuals, Justin Gordon Hunter, known as Mo,
24 and Emory Roberts, known as Q. These were buys occurred in
25 Dorchester County.

1 He also stated that he had a CI, Tommy Sekula, who
2 was able to purchase heroin from this organization. He
3 stated that they had some limitations as there were
4 locations outside of Dorchester County, which is his
5 jurisdiction, as well as that Mr. Sekula was able to
6 purchase larger amounts of heroin than what the Dorchester
7 County Sheriff's Department could afford.

8 Q. And what do you mean by that?

9 A. When you purchase heroin -- heroin is a very
10 expensive drug. 14 grams of heroin could run you right
11 around 1,000 to \$1,100 Because of Dorchester County being a
12 smaller department, they aren't able to have as access to as
13 much money as I do. I'm able to come in and purchase larger
14 quantities of the drug, to a certain extent.

15 Q. Obviously, did SLED agree to assist with the case?

16 A. Oh, yes, sir. I agreed to assist. And I sat down
17 and I met with Mr. Sekula. He and I talked for little over
18 just about four hours about everything, his knowledge of the
19 organization, who he knew was in the organization, how he
20 knew them. We talked about the buys that he had done with
21 Dorchester County and how long he had been involved.

22 Q. What was the next step in your investigation?

23 A. After interviewing Mr. Sekula, we arranged a buy.
24 And if I can refer to my notes, I believe the first buy that
25 we did was on September 23rd, 2015. We conducted a buy on

1 Mr. Roberts.

2 That buy occurred at Margaret Drive over there in
3 that Ladson, Fairlawn. We bought seven grams of heroin, two
4 8 balls, for just around \$600.

5 Q. If you could, explain to the jury what your role in
6 that transaction was and how the transaction played out?

7 A. Yes, sir. Throughout this investigation, I
8 partnered up with Detective Lundberg as the lead case agent.
9 I was responsible for conducting or assisting in conducting
10 the buys, ensuring the safety of Mr. Sekula, monitoring the
11 technical equipment, as well as signing out or swearing to
12 any warrants, search warrants or arrest warrants that may
13 need to be issued.

14 On this particular buy, we picked Mr. Sekula up.
15 He doesn't have a driver's license. We picked him up and
16 brought him to an undisclosed meeting location in Dorchester
17 County. We stripped searched him. We always strip search
18 every single CI before a buy to ensure they have no evidence
19 on them -- no illegal drugs, weapons or money. It's the
20 same strip search they do in the jails. It's a full squat
21 and cough cavity search.

22 After that, we place -- what we do is we place
23 recording equipment on them for their safety as well as the
24 collection of evidence. Yesterday, some of the defendants
25 testified that they -- he used the term "wire". What a wire

1 is, it's a transmitting device that I will place on
2 Mr. Sekula or any other CI. It allows me to listen in to
3 whatever is going on, while also recording what's going on.
4 I can hear -- I don't know if you notice in some of the
5 videos how Mr. Sekula seemed to be kind of talking to
6 himself. He's actually talking to me, because I can hear
7 him. And I was a short distance away able to monitor.

8 This ensures the safety of that CI itself.
9 Obviously, buying and selling drugs is a very dangerous
10 game. People get robbed all the time. And I always tell my
11 CIs that this is not worth your life. If anything goes
12 wrong, help, help, help, and just get out of there. We have
13 to stay close enough to ensure their safety, because if they
14 do say help, we have to get there fast and make sure they
15 are okay.

16 So we would place this recording device on
17 Mr. Sekula after searching him. And then we would give
18 him -- I would give him money from the State to purchase
19 this evidence. And in this case, it was \$600. That money
20 is documented on the back of my vouchers that I submit to
21 SLED.

22 He then gets in the car with Detective Brandon
23 Allen. And he drives him to that location. Mr. Sekula gets
24 out of the car. He goes into this location. Meets with
25 Mr. Roberts. Conducts the transaction. Comes back out.

1 And he gets in the car with Detective Allen.

2 As soon as he gets in the car with Detective Allen,
3 both Mr. Sekula and Detective Allen knew that the rule was
4 that Mr. Sekula was to give the heroin immediately to
5 Detective Allen.

6 He gave the heroin to Detective Allen. Detective
7 Allen then drove Mr. Sekula back to the meeting location
8 where he met myself, Detective Lundberg, and other members
9 of the surveillance team.

10 Let me expand on that. Surveillance team, when we
11 do these buys, it's not just one, two or three people.
12 Usually, it's a group of people. And we have cars that are
13 in the area looking for suspicious activity or trying to
14 gain more intelligence on the subject that we are buying
15 from. This also plays into the safety role, because we
16 don't know how many people would be in a house or the
17 situation that may unfold. And it's always better to have
18 more people there than not enough.

19 Once they get back to the meeting location,
20 Detective Allen relinquishes custody of that heroin to me.
21 I place the heroin into a BEST bag, seal it up. I then take
22 that BEST bag and submit it to the lab in Columbia for
23 evidence for analysis.

24 MR. UNDERWOOD: Permission to approach the witness,
25 Your Honor.

1 THE COURT: Yes, sir.

2 BY MR. UNDERWOOD:

3 Q. Special Agent Wingo, I'm handing you what's been
4 marked as State's Exhibit 117. Do you recognize that
5 exhibit?

6 A. Yes, sir, I do.

7 Q. I believe that has already been entered into
8 evidence without objection.

9 THE COURT: What number?

10 MR. UNDERWOOD: 117, Your Honor.

11 THE COURT: Proceed.

12 BY MR. UNDERWOOD:

13 Q. Agent Wingo, whose name appears on that?

14 A. My name does.

15 Q. Is it a signature?

16 A. Yes, sir, it is.

17 Q. What does that signify?

18 A. That I placed these drugs into this BEST kit.

19 Q. What did you do with that BEST kit after placing
20 the drugs inside?

21 A. I took it to the SLED lab in Columbia and requested
22 a drug analysis on them.

23 Q. I'm now handing you State's Exhibit 118, which has
24 already been admitted into evidence.

25 A. Yes, sir.

1 Q. Do you recognize that?

2 A. Yes, sir, I do. It's the laboratory report from
3 the lab.

4 Q. How does that relate to the BEST kit in Exhibit
5 117?

6 A. The lab numbers correspond from what's on this to
7 what's on this.

8 Q. Which means what?

9 A. That this evidence was analyzed by the lab and they
10 had given me a report on it, which here is 7 plastic bags
11 containing powder substance. Heroin found in sample tested.
12 Total net weight of 7.10 grams. Confidence level for it is
13 99 percent.

14 Q. Is that the conclusion of that particular
15 transaction?

16 A. Mr. Sekula was searched again, strip-searched again
17 to make sure that he did not have any other evidence on him.
18 He was then -- the audio/video equipment was removed from
19 him. He then sat down and provided me a written statement
20 of what happened. He signed that statement. And we took
21 Mr. Sekula home.

22 Q. What was the next step of your investigation?

23 A. Next step of that investigation was to conduct
24 another buy. September 25th of 2015, we conducted another
25 controlled purchases utilizing Mr. Sekula as the

1 confidential informant. This buy occurred on an individual
2 at the time we knew as G. Later on, we identified him as
3 Lassain Johnson. We were able to identify him during the
4 search warrant at [REDACTED] Bear Island Road, where Mr. Johnson
5 was trying to enter the residence while we were conducting
6 the warrant. He was arrested.

7 We -- we picked Mr. Sekula up. He was taken to
8 this meeting location. He was strip-searched. We put the
9 recording evidence or the recording equipment on him for
10 safety of him and the collection of the evidence. I gave
11 him \$600, but I actually gave him 720, because he had to pay
12 a debt off to another individual there.

13 We were instructed by Mr. Johnson to go to the
14 Sunoco on College Park Road right there. Mr. Sekula and
15 Mr. Allen get in the undercover vehicle. Mr. Allen drives
16 Mr. Sekula to the Sunoco. Myself and Agent Lundberg, along
17 with other members of the surveillance team, were there. I
18 was at a gas pump and other members were scattered out
19 throughout that gas station and McDonald's beside it.

20 Mr. Lassain Johnson is observed pulling up with
21 another black male. They exit the vehicle and meet
22 Mr. Sekula in the women's bathroom of that gas station where
23 they -- Mr. Sekula purchases the heroin from Mr. Johnson.

24 After this transaction occurs, Mr. Sekula comes
25 back out, gets in the car with Detective Allen. Immediately

1 hands the dope to Detective Allen -- excuse me, the heroin
2 to Detective Allen. And we all meet back at the meeting
3 location where Detective Allen hands me the suspected
4 heroin. And I secure it to another SLED BEST kit.

5 Q. Agent Wingo, where did this particular transaction
6 take place again?

7 A. At the Sunoco on College Park.

8 Q. What county is that in?

9 A. Berkeley County.

10 Q. The previous transaction we discussed from
11 September 23rd, where did that take place?

12 A. Dorchester County.

13 Q. Agent Wingo, I'm now handing you State's Exhibit
14 124. Do you recognize that item?

15 A. Yes, sir, I do.

16 Q. What is that?

17 A. These are the drugs that were purchased -- this is
18 the SLED BEST kit that contains the drugs that were
19 purchased from Mr. Johnson on that date.

20 Q. Whose signature appears on that BEST kit?

21 A. Mine.

22 Q. What does the signature signify?

23 A. That I was the one that put these drugs in the SLED
24 BEST kit.

25 THE COURT: Any objection?

1 MR. GRIFFITH: No objection, Your Honor.

2 MS. JOHNS: No, Your Honor.

3 THE COURT: What number is that?

4 MR. UNDERWOOD: 124, Your Honor.

5 THE COURT: Thank you. Marked and admitted without
6 objection.

7 (State's Exh. 124, Drug labeled L15-13080, is
8 received in evidence.)

9 BY MR. UNDERWOOD:

10 Q. Agent Wingo, now handing you State's Exhibit 164,
11 which I believe has already been admitted into evidence. Do
12 you recognize that?

13 A. Yes, sir, I do. It is the lab report for these
14 drugs.

15 Q. How do you know that the lab report in Exhibit 164
16 relates to the drug evidence in Exhibit 124?

17 A. Because the lab number on the report is the same
18 lab number that is on this BEST pack right here.

19 Q. Was the evidence inside that BEST kit tested by the
20 SLED laboratory?

21 A. Yes, sir, it was. It was two Ziploc bags
22 containing a powder substance. Of the two tested, heroin
23 was found, a total of 6.92 grams. The confidence level for
24 that is 99.7 percent.

25 Q. Was that the conclusion of that transaction?

1 A. We -- after placing this heroin in this BEST kit,
2 Mr. Sekula was then strip-searched once again. We removed
3 the equipment from him. He sat down and provided a written
4 statement of what had happened on that transaction. He
5 signed it. After that, we took him home.

6 Q. Agent Wingo, what was the next thing that you did?

7 A. We conducted another buy. This buy was on
8 September 30th, 2015.

9 Q. How did that transaction take place?

10 A. We utilized Mr. Sekula again to act as a
11 confidential informant to purchase drugs, this time from
12 Mr. Hunter. He was taken -- we were purchasing 14 grams of
13 heroin from Mr. Hunter at this time. That's an expensive
14 purchase. We were being charged \$1,100. And we also had to
15 pay off a debt that Mr. Sekula owed Mr. Hunter for selling
16 Mr. Hunter -- or exchanging an Airsoft gun for some heroin
17 in a previous transaction. We were spending a total of
18 \$1,350 that day.

19 We took -- picked Mr. Sekula up, took him to a
20 meeting location. He was strip-searched again. We placed
21 all of the recording equipment that we used, the wire on
22 him. He was given the money. I documented the money and I
23 gave it to Mr. Sekula. He got into the undercover vehicle
24 with Detective Allen. He and Detective Allen drove to -- if
25 my memory serves me, it's going to be the McDonald's on

1 College Park right there, to the left of the Sunoco.

2 We observed Mr. Hunter arriving in a gray BMW with
3 the license plate of LMQ-556. We were close enough to be
4 able to get that tag. Mr. Sekula gets into the car with
5 Mr. Hunter. They conduct the transaction. Mr. Sekula exits
6 the vehicle, then enters the undercover vehicle with
7 Detective Allen again. Immediately gives the heroin to
8 Detective Allen.

9 After giving the heroin to Detective Allen,
10 Detective Allen and Mr. Sekula meet myself and Investigator
11 Lundberg and other members of the surveillance team back at
12 this location. Detective Allen relinquishes the heroin to
13 me. And I place it into a SLED BEST kit.

14 Q. And the location of that transaction was again?

15 A. In Berkeley County.

16 Q. Now, handing you State's Exhibit 113, do you
17 recognize that?

18 A. Yes, sir, I do.

19 Q. What is that?

20 A. These are the drugs that I placed into the SLED
21 BEST kit.

22 Q. How do you know that that is the BEST kit that you
23 placed those drugs into.

24 A. Because my signature was on there.

25 Q. Was that evidence submitted to the SLED laboratory

1 for analysis?

2 A. Yes. I took it to the lab and submitted it will
3 for drug analysis.

4 Q. Now handing you State's Exhibit 109. Both exhibits
5 are already entered into evidence. Do you recognize 109?

6 A. Yes, sir, I do.

7 Q. What is that?

8 A. This is the lab report for the evidence collected
9 in this BEST kit.

10 Q. What were the results of the analysis?

11 A. That heroin was found in the sample tested. It was
12 13.96 grams, with a confidence level of 99.7 percent.

13 Q. What else did you do in relation to that
14 transaction?

15 A. After securing the evidence, we stripped searched
16 Mr. Sekula, was strip-searched again to make sure there were
17 no other drugs on him again or money. He was then -- the
18 recording equipment was removed. And then he sat down and
19 provided a written statement to me of what happened during
20 those events, where he signed it. After that, we took him
21 home.

22 Q. What was the next thing you did in your
23 investigation?

24 A. We then conducted another buy on Mr. Hunter
25 utilizing Mr. Sekula. This was on October 28th of 2015. We

1 picked Mr. Sekula up, just as always. He was taken to a
2 meeting location where we strip-searched him. He was then
3 wired up with the wire and recording equipment. He then was
4 given -- this buy was for 14 grams again. So it was \$1,000.
5 And I gave him the documented money. He gets into the car
6 with Detective Allen. He is driven to that location, which
7 was the Sunoco right there in Berkeley County on College
8 Park.

9 Mr. -- he's waiting there with Detective Allen.
10 Surveillance team is down on a trailer down -- Arno Drive is
11 right there, right beside that Sunoco. It's not far at all.
12 You could walk to it if you wanted to. We had surveillance
13 personnel down there. And observed Mr. Hunter go to that
14 residence, enter it, come back out. And then he drove to
15 the Sunoco to meet us.

16 He pulls in with a gray BMW 7 series. It has a
17 temporary tag on it. He is -- I'm clear enough to see him
18 because I took a cell phone video of Mr. Sekula exiting his
19 car after the transaction. They were sitting there and I
20 was close enough. I was at a gas pump behind him where I
21 could pull my cell phone up. And I took that video. You
22 can clearly see Mr. Sekula exiting the vehicle, Mr. Hunter
23 driving off.

24 Mr. Sekula then gets in the undercover car with
25 Detective Allen. And gives the heroin immediately to

1 Detective Allen. After giving the heroin to Detective
2 Allen, they meet us back at this location. Mr. Sekula is
3 then once again strip-searched. I take the evidence and
4 place it into a SLED BEST kit, and submit it to the lab for
5 analysis.

6 Q. Agent Wingo, I want to follow up on a few things.
7 You mentioned the video. Is that the same video that we
8 watched here in court earlier in this trial?

9 A. Yes, sir, it was.

10 Q. Was that video a fair and accurate portrayal of
11 what you saw at that time?

12 A. Yes, sir, 100 percent.

13 Q. Agent Wingo, how was the surveillance able to
14 observe -- specifically, what did they observe about
15 Mr. Hunter driving to the trailer on Arno and into the
16 Sunoco station? Did they observe where he came from?

17 A. No, sir, we didn't observe where he came from. We
18 had an agent sitting down. It's an one-way-in/one-way-out
19 road. All those roads dead ends. You have to turn around.
20 They are all gravel. So you can sit somewhere and you have
21 to see somebody come in. And then there's no back way out
22 of that trailer park. We sat there. Our the surveillance
23 team would sit there, observe Mr. Hunter come in, go to that
24 residence on Arno. He gets out, comes back, gets in his
25 car. And they are able to follow him to the Sunoco.

1 Another -- we were utilizing the number that Mr. Hunter or
2 Mr. Sekula had for Mr. Hunter at that time, which was (843)
3 469 [REDACTED]. Mr. Hunter answered that number directly.

4 Q. Agent Wingo, I'm now handing you what's been
5 admitted as State's Exhibit 112 and State's Exhibit 110. Do
6 you recognize each of those items? And please identify them
7 by their exhibit number.

8 A. Yes, sir, I do. State's Exhibit 112 contains the
9 heroin with my initials on it placed into a bag. This is
10 the SLED BEST kit that I placed it in.

11 State's Exhibit 110 is the actual lab report for
12 this heroin. You can tell that this is the actual lab
13 report because this lab number and the lab number up here in
14 the corner match up.

15 Q. What were the results of the analysis performed?

16 A. The substance that was in this bag tested, it was
17 14.03 grams. And the confidence level for that weight is
18 99.7 percent.

19 Q. What else did you do as part of that particular
20 operation?

21 A. We, again, took Mr. Sekula. He was strip-searched
22 The audio/video recording equipment was removed from him.
23 We sat down. He and I sat down and he provided a statement
24 to me of what all happened during that transaction. And
25 then we took him home.

1 Q. What did you do next in this case?

2 A. We then took -- did another deal with -- on
3 December 14th. This deal occurred with Mr. Hunter. We
4 utilized Mr. Sekula again to conduct a controlled buy from
5 Mr. Hunter. This deal occurred at the Walmart in
6 Summerville down there. Like every other time, we picked
7 Mr. Sekula up. He's strip searched. He is placed equipment
8 on him. He's given documented money. He then gets in the
9 car with Detective Allen. And we all -- he's driven to the
10 Walmart in Summerville. Mr. Hunter is observed driving up
11 in a gray BMW.

12 Mr. Sekula gets in the car with Mr. Hunter. A
13 transaction occurs. Mr. Sekula gets out. We purchased an
14 eight-ball 3.5 grams, also known as an eight-ball in the
15 drug world, because it's an eighth of an ounce, for \$300.

16 Mr. Sekula then gets back in the car with Detective
17 Allen. He immediately hands that heroin to Detective Allen.
18 And we all meet at the meeting location. Detective Allen
19 gives me the heroin as soon as we get back. Mr. Sekula is
20 immediately strip-searched And I place the heroin into the
21 SLED BEST bag.

22 Q. Agent Wingo, let me ask you a few more questions
23 concerning this particular transaction. Where were you
24 located when the transaction took place?

25 A. I was in the Walmart parking lot in the front seat

1 of Detective Lundberg's truck monitoring the wire.

2 Q. How close were you to where the activity took
3 place?

4 A. I would say probably 60, 70 yards.

5 Q. Were you able to witness what took place?

6 A. They were inside of a car. I was able to observe
7 the car pull up, pick Tommy up and -- he didn't stop. He
8 picked Tommy up and it was like he rolled up. And there's a
9 frontage road right there. He stopped at that stop sign
10 where that frontage road is. And Tommy got out of the car
11 after that.

12 Q. Were you able to observe Tommy Sekula then walk
13 back to the undercover vehicle?

14 A. Yes, sir.

15 Q. Did he make any stops between Mr. Hunter's vehicle
16 and the undercover vehicle?

17 A. No, sir. And when you monitor that wire, you can
18 pretty much tell what they are doing. If they are walking,
19 you hear their pants and shirt rubbing together, like on the
20 video. And Tommy would always talk to himself or make some
21 kind of comments. And you could hear him. There wasn't
22 that much of a delay of silence until he got back in the car
23 and then Mr. Allen would let us know, hey, he refers to him
24 in the Charlie on the video. Charlie is back in the car.
25 Deal went good.

1 Q. What vehicle did Mr. Hunter drive to that
2 transaction?

3 A. It was a gray 7 Series.

4 Q. 7 series of what make?

5 A. I'm sorry, BMW.

6 Q. And what county did that occur in?

7 A. He believe that Walmart is in Berkeley County.

8 Q. Special Agent Wingo, I'm now showing you State's
9 Exhibit 114 and State's Exhibit 111, both of which have
10 already been placed into evidence. Could you identify each
11 on them by their exhibit number, please.

12 A. Yes, sir. State's Exhibit 114 is the heroin that
13 was purchased from Mr. Hunter on that date. It was placed
14 in the SLED bag by me, because my initials are on this BEST
15 kit.

16 State's Exhibit 111 is the lab report for this drug
17 evidence. You can tell that it's this lab report because
18 the lab numbers match up on this BEST kit on this report.

19 The results from this buy are that heroin was found
20 in the sample tested. Net weight is 3.30 grams. Yes,
21 ma'am, 3.30 grams, with a confidence weight or confidence
22 level for 99.7 percent.

23 Q. Did that conclude your activity for that
24 transaction?

25 A. No, sir. Mr. Sekula was then immediately

1 strip-searched again. We removed all the buy equipment, the
2 recording equipment used in that buy from him. Tommy sat
3 down. And he and I had a conversation about what happened,
4 wrote it out in a statement. He signed it. And then we
5 took Tommy home.

6 Q. What was the next thing you did to further your
7 case?

8 A. Then we conducted another buy on January 7th of
9 2016. We conducted this buy on Mr. Roberts. It occurred at
10 116 Summer Creek Drive. That trailer is off College Park
11 Road. We were able to purchase an eight-ball of heroin for
12 \$300 from Mr. Roberts. Like before, we picked Mr. Sekula
13 up. He was strip-searched. We placed the recording
14 equipment on him and gave him the recorded State-documented
15 funds.

16 He then got into a vehicle with Detective Allen,
17 where he was driven to 116 Summer Creek Drive, observed by
18 Detective Allen entering the residence, leaving the
19 residence. He gets back into the car with Detective Allen.
20 Immediately gives the heroin to Detective Allen. And then
21 they meet us back at the meeting location.

22 During this specific buy, it's kind of hard to sit
23 down in that trailer park, because if you don't belong
24 there, people are going to kind of pick you out. So there's
25 a little barbecue spot, Bessinger's barbecue is directly

1 across the street from that location. And I was able to
2 pull in -- Detective Lundberg and I were able to pull into
3 that location. And I was close enough that I could hear the
4 wire and everything else going on throughout that buy and
5 get to Tommy fast if I needed to, but I was far enough away
6 that, hey, what is this random vehicle doing sitting here,
7 so ...

8 Q. What happened when Detective Allen and Mr. Sekula
9 got back to the meeting location?

10 A. Detective Allen gave me the heroin. I placed it
11 into the BEST kit. And Mr. Sekula was immediately
12 strip-searched.

13 Q. This location, what was that address again?

14 A. 116 Summer Creek Drive.

15 Q. What county is that located in?

16 A. Berkeley County.

17 Q. Is this the same site of the search warrant Mr.
18 Vasquez testified about earlier?

19 A. Yes, sir, it was.

20 Q. Agent Wingo, I'm now handing you what's been
21 admitted into evidence as State's Exhibits 115 and 116.
22 Will you please examine those and identify them by their
23 exhibit numbers?

24 A. This is State's Exhibit 116. It is the actual
25 heroin that we purchased from Mr. Roberts that night at 116

1 Summer Creek Drive.

2 Q. How do you know that?

3 A. Because my name is right here. My signature is
4 right here on this BEST pack.

5 Q. And the other exhibit?

6 A. Exhibit -- State's Exhibit 115 is the lab report
7 for these drugs. You can tell that because these two lab
8 numbers match up from the report and on the drugs. The
9 results from this buy are four plastic bags containing
10 powder substance. Heroin was found in the sample tested.
11 All four bags were tested. Total Net weight of 3.38 grams.
12 And the confidence level is 99.7 percent.

13 Q. What else did you do regarding that transaction?

14 A. We obtained a search warrant on that transaction.
15 But to further the investigation, we chose not to serve it
16 at that time.

17 Q. What was the next step in your case that you took?

18 A. We took and -- after taking this, making this buy,
19 Mr. Sekula again was immediately strip-searched. He then
20 was able to sit down with me. We took all the recording
21 equipment off of him. He provided another statement to me
22 about what happened during this buy. He signed that
23 statement and we took him home.

24 Q. What did you do next to further your case?

25 A. We conducted another buy. This time it occurred on

1 January 14th of 2016. We utilized Mr. Sekula. We picked
2 him up again. We strip-searched him. We had him reach out
3 to Mr. Hunter, Justin Hunter. And Hunter directed us to the
4 Walmart in Summerville. Mr. Sekula was strip-searched. We
5 gave him the recording equipment. Placed the wire on her.
6 I gave him documented funds. It was \$300. We were buying
7 3.5 grams of heroin from him.

8 We were able to see Mr. Hunter leave his residence
9 at [REDACTED] Patriot Boulevard. He left in a gray BMW 7 Series
10 bearing license plate LTQ-710. He was then -- he pulls into
11 the Walmart. Mr. Sekula enters Mr. Hunter's vehicle. They
12 conduct the deal. After conducting the deal, Mr. Sekula
13 exits Mr. Hunter's vehicle. He then comes and gets in the
14 undercover vehicle with the Detective Allen. After getting
15 in the vehicle with Detective Allen, he then immediately
16 gives Detective Allen the heroin, just as all times before.
17 And he and Detective Allen meet us back at the meeting
18 location. Detective Allen gives me the heroin. And
19 Mr. Sekula is immediately strip-searched.

20 I then take that heroin and place it into the SLED
21 BEST bag and submit it to the lab for analysis.

22 Q. And what else did you do to complete that
23 operation?

24 A. We -- Mr. Sekula was then strip-searched. We took
25 the recording equipment off of him. After recording

1 equipment was off, he sat down and provided a statement to
2 me. After getting that license plate number, we were able
3 to successfully run those license plates, that license plate
4 LTQ-710 from that BMW through South Carolina DMV, and
5 confirmed that that BMW did, in fact, belong to Mr. Hunter.

6 Q. Agent Wingo, I'm now handing you what's been marked
7 and admitted into evidence as State's Exhibit 131 and what
8 is now marked for identification as State's Exhibit 121.
9 Could you please identify each of those exhibits, please?

10 A. This is the heroin that was purchased and placed
11 into the SLED BEST kit from Mr. Hunter. This is my
12 signature on it.

13 MR. UNDERWOOD: Your Honor, at this time I move to
14 admit State's Exhibit 121 into evidence.

15 THE COURT: Has that already been admitted, Madam
16 Court Reporter?

17 THE COURT REPORTER: No.

18 MR. GRIFFITH: No objection, Your Honor.

19 THE COURT: Ms. Johns?

20 I thought it was already admitted. Admitted
21 without objection.

22 (State's Exhibit 121, Drug labeled L16-0782, is
23 received in evidence.)

24 BY MR. UNDERWOOD:

25 Q. How do State's Exhibit 131 and 121 relate to each

1 other?

2 A. They have the same lab number on them. Up here in
3 the corner, this is the lab report for this evidence.

4 Q. What were the results of the analysis on that
5 evidence?

6 A. There was a powder substance tested. Heroin found
7 in the sample tested, a net weight of 3.45 grams, with a
8 confidence level for the weight is 99.7 percent.

9 MS. JOHNS: No objection.

10 THE COURT: What are those numbers again?

11 MR. UNDERWOOD: Your Honor, these are State's
12 Exhibit 194, 195 and 196.

13 THE COURT: Any objection, Mr. Griffith?

14 MR. GRIFFITH: No objection, Your Honor.

15 MS. JOHNS: No, Your Honor.

16 THE COURT: Marked and admitted without objection.

17 (State's Exh. 194, Vehicle plate registration
18 from the DMV BMW 7 Series with the license plate number
19 LTQ-710, was received in evidence.)

20 (State's Exh. 195, Vehicle plate registration for
21 BMW 7 Series belonging to Justin Gordon Hunter, was received
22 in evidence.)

23 (State's Exh. 196, DMV Vehicle customer list DMV
24 of all vehicles owned by Mr. Justin Gordon Hunter, includes
25 a 2005 Audi A4, License Plate LSF [REDACTED]; a 2007 BMW 5 Series

1 with license plate LMQ-556; and a 2006 BMW 7 Series with a
2 license plate LTQ-710, was received in evidence.)

3 BY MR. UNDERWOOD:

4 Q. Please identify for the jury State's Exhibit 194,
5 195 and 196 by their exhibit numbers.

6 A. 194 is a certified copy of the current plate from
7 the DMV for a BMW 7 Series with the license plate number
8 LTQ-710. That plate comes back to a Justin Gordon Hunter.

9 The State's Exhibit of 195 is the current title,
10 certified from the DMV, current title of a BMW 7 Series
11 belonging to Justin Gordon Hunter.

12 And State's Exhibit 196 is a vehicle customer list
13 provided by the DMV, certified for all vehicles owned by
14 Mr. Justin Gordon Hunter, and includes a 2005 Audi A4,
15 License Plate LSF-████; a 2007 BMW 5 Series with license
16 plate LMQ-████; and a 2006 BMW 7 Series with a license plate
17 LTQ-████.

18 Q. What significance does the information in those DMV
19 records give to you as part of your investigation?

20 A. We were able to obtain those license plates. Both
21 of those vehicles were utilized during controlled purchases
22 with Mr. Hunter. We were able to observe him pull up, and
23 successfully get the tag number from both BMWs, both the 5
24 Series, the LMQ-556 license plate. I believe that was on
25 September 30th.

1 And the second one we were able to get that LTQ-710
2 license plate after successfully following him from [REDACTED]
3 Patriot Boulevard off of the 7 Series.

4 Q. As to the 5 Series, license plate LMQ-556, was
5 there any significant dates related to that on those
6 documents?

7 A. No, sir, not on the document itself for the 5
8 Series.

9 Q. What about for the 7 Series with the license plate
10 LTQ-710?

11 A. Yes, sir. That plate was issued on 10/27/2015. On
12 the buy of 10/28, he shows up in this vehicle. It just has
13 a temporary tag on it.

14 Q. Again, were both of those BMWs listed to owner
15 Justin Hunter?

16 A. Yes, sir, as well as the Audi.

17 Q. Agent Wingo, what was the next step in your
18 investigation?

19 A. We then conducted another buy. This time it was on
20 January 19th of 2017 -- excuse me, 2016. This buy occurred
21 with Mr. Roberts and Mr. Brown at the residence of 116
22 Summer Creek Drive, right there in Berkeley County again,
23 right off College Park Road. The deal went. We picked
24 Mr. Sekula up. He was taken back to a meeting location
25 where he was strip-searched. After being strip-searched, we

1 placed the recording equipment and wire on him. We gave him
2 \$300 of documented funds. After that, we were directed by
3 Mr. Roberts to come to the residence of 116 Summer Creek
4 Drive. Once we got that, Mr. Sekula was driven by Detective
5 Allen to that residence.

6 He exits the vehicle. Enters the trailer. From
7 watching the video, you observe Mr. Brown conduct the
8 transaction with Mr. Sekula. Mr. Sekula then exits the
9 vehicle -- I'm sorry, exits the trailer, and enters the
10 vehicle with Detective Allen, where he immediately hands the
11 heroin to Detective Allen.

12 After handing the heroin to Detective Allen, they
13 meet us back at the meeting location. After meeting us at
14 the meeting location, I secure the heroin from Detective
15 Allen and place it into a SLED BEST kit. Mr. Sekula is
16 immediately strip-searched. And I submit that BEST kit to
17 the lab for analysis.

18 Q. I'm now showing you what's been marked for
19 identification as State's Exhibit 123. Do you recognize
20 that item?

21 A. Yes, sir. That is the BEST kit that I sealed the
22 heroin that we obtained from Mr. Brown on that buy.

23 Q. How do you know it's the same BEST kit?

24 A. Because my signature is on it.

25 MR. UNDERWOOD: Your Honor, at this time, I move to

1 admit State's Exhibit 123 into evidence.

2 THE COURT: Any objection?

3 MS. JOHNS: No, Your Honor.

4 MR. GRIFFITH: No.

5 THE COURT: Marked and admitted. What was that
6 number again?

7 MR. UNDERWOOD: 123, Your Honor.

8 THE COURT: 123 marked and admitted without
9 objection.

10 (State's Exhibit 123, Drug labeled L16-0965, was
11 received in evidence.)

12 BY MR. UNDERWOOD:

13 Q. I'm now handing you State's Exhibit 132. Can you
14 explain how 132 and 123 relate to each other?

15 A. This is the lab results for the drugs that were in
16 this BEST kit we bought from that address. The results are
17 there's a Ziploc bag containing four plastic bags containing
18 powder substance. Heroin found in the sample tested of --
19 they tested one, but when they test one, sometimes the lab
20 states that the maximum attainable statutory threshold has
21 been met for this substance. The total weight is 2.61
22 grams. And the confidence level for that weight is 99.7
23 percent.

24 Q. Can you explain to the jury what that threshold
25 language means?

1 A. That if they -- if there's a certain amount of a
2 product, testing these drugs is very expensive, and they are
3 able to test one and confirm that that is actually that
4 substance, I am not 100 percent familiar, but it shows the
5 total weight as well as the confidence level for it.

6 Q. Was there any other activity from law enforcement
7 regarding that particular transaction?

8 A. Yes, sir. Like I said, Mr. Sekula was immediately
9 strip-searched. He takes the -- we take the recording
10 equipment off of him. He and I sit down, have another
11 conversation about what occurred in that buy, write it out
12 in a statement. He signs it. After that, we take him home.

13 Q. What was the next step in your investigation?

14 A. We then conducted a buy on February 2nd of 2016.
15 This buy occurred on Mr. Roberts at 116 Summer Creek Drive
16 for 3.5 grams of heroin. We utilized Mr. Sekula to conduct
17 this buy. We picked him up. He was strip-searched. We
18 placed the audio/video recording device on him, as well as
19 the wire. I gave him \$300 from state money, state
20 documented funds.

21 He was then driven to this residence by Detective
22 Allen. Detective Allen was -- at this time, it was night.
23 He was able to pull up into the driveway and observe
24 Mr. Sekula walk straight up the porch and be led in by
25 Mr. Roberts. The transaction occurs. Mr. Sekula is then

1 observed walking straight out of that front porch, down the
2 steps, and gets back into the undercover vehicle, where he
3 immediately hands the heroin that was purchased straight to
4 Mr. -- or Detective Allen.

5 We then drive or meet them back at the meeting
6 location, where Detective Allen immediately hands me the
7 heroin. And Mr. Sekula is immediately strip-searched. I
8 take the heroin that was purchased and place it in a SLED
9 BEST kit, submit it to the lab for an analysis.

10 I really remember this buy because, after reviewing
11 the video, it was a really good video. You can clearly see
12 what happened inside that trailer on that night, that
13 transaction that occurred.

14 THE COURT: Any objection?

15 MS. JOHNS: No, Your Honor.

16 MR. GRIFFITH: No objection, Your Honor.

17 THE COURT: What number is that?

18 MR. UNDERWOOD: 122, Your Honor.

19 THE COURT: Marked and admitted without objection.

20 (State's Exh. 122, Drug labeled L16-1604, is
21 received in evidence.)

22 BY MR. UNDERWOOD:

23 Q. Agent Wingo I'm now handing you what's been
24 admitted into evidence State's Exhibit 122 and State's
25 Exhibit 133. Referring to them by exhibit number, can you

1 explain how they relate to each other?

2 A. State's Exhibit 122 is the BEST kit that I placed
3 the heroin purchased from Mr. Roberts in immediately after
4 that buy. It's also the same BEST kit I submit to the lab
5 for analysis. My signature is right here on the front of
6 it.

7 State's Exhibit 133 is the lab report for this BEST
8 kit. The lab number on this BEST kit itself and the lab
9 number on this report match up.

10 The results are heroin found in sample tested, net
11 weight 3.35 grams. Confidence level for that weight is 99.7
12 percent.

13 Q. What was the next step in your investigation, Agent
14 Wingo?

15 A. Next day, we conducted a controlled buy utilizing
16 Mr. Sekula. This time we were going to purchase some
17 methamphetamine. We texted Mr. Hunter. And he responds to
18 go to Main Street. We picked Mr. Sekula up, or after we
19 picked Mr. Sekula up, we contacted Mr. Hunter about
20 purchasing the methamphetamine. And he responds to go to
21 Main. Mr. Sekula is strip-searched. We place the audio and
22 video recording equipment on him. He then was given money,
23 State-documented funds. He drives with -- he arrives with
24 Detective Allen to the Azalea Square Shopping Center right
25 there. I believe that's PetSmart, a Kohl's and Target all

1 right there in a row.

2 Surveillance personnel are sitting in the parking
3 lot. I'm sitting in the parking lot. And we are able to
4 observe Ms. Quezada leave [REDACTED] Bear Island Road, walk across
5 the street, because the apartment complex I believe is Vista
6 Sands, which is right there within walking distance of that
7 shopping center. She walks across the street. I'm able to
8 observe her meet with Mr. Sekula. They conduct a
9 transaction. And we are able to observe her walk all the
10 way back to that apartment and go back in Apartment [REDACTED].

11 Q. Agent Wingo, the apartment complex and shopping
12 center you mentioned, are they in Berkeley County?

13 A. I believe so.

14 Q. Now, Agent Wingo, where were you positioned during
15 that transaction?

16 A. I was in the front seat of Detective Lundberg's
17 truck in that parking lot, probably safe to say 40 to 60
18 yards away from the actual buy. I didn't have -- it was --
19 parking lot is kind of empty. It was later on in the day.
20 So you had a clear view of Mr. Sekula, as well as when
21 Ms. -- excuse me, Ms. Quezada came up, we could see both on
22 them. They sat down on a bench together and conducted the
23 buy.

24 Q. What was her full name?

25 A. It's Rosemarie Quezada. Tommy referred to her as

1 Cici.

2 Q. How were you able to identify Cici as Rosemarie
3 Quezada?

4 A. She was at the residence of [REDACTED] Bear Island Road
5 when we conducted the search warrant on that residence.

6 Q. Were you able to recognize her from your own
7 personal observations?

8 A. Yes, sir, I was. After the buy, Tommy gets back in
9 the car with Detective Allen. He immediately hands the
10 methamphetamine to Detective Allen. They drive back to the
11 meeting location where they meet us. Detective Allen
12 immediately hands me the methamphetamine. And Mr. Sekula is
13 immediately strip-searched. We take -- I take the
14 methamphetamine. And I place it in that BEST kit and seal
15 it up and submit it to the lab for analysis.

16 Tommy, we take the recording equipment off of him.
17 Sit him down. We debrief him again, where he writes a
18 statement of what happened during those events. He signs
19 it. And we took him home.

20 Q. Agent Wingo, now handing you what's been marked for
21 identification as State's Exhibit 125. Do you recognize
22 that?

23 A. Yes, sir, I do. This is the methamphetamine placed
24 in the BEST kit with my signature on it.

25 MR. UNDERWOOD: Your Honor, at this time, I move

1 that State's Exhibit 125 be admitted.

2 THE COURT: Show it to counsel.

3 MR. UNDERWOOD: I did.

4 THE COURT: Any exception?

5 MS. JOHNS: No, Your Honor.

6 THE COURT: 125 marked and admitted without
7 objection.

8 (State's Exh 125, Lab Report L16-01640, is
9 received in evidence.)

10 BY MR. UNDERWOOD:

11 Q. I'm also handing you State's Exhibit 152. Using --
12 referencing that by exhibit numbers, can you explain how
13 they relate to each other?

14 A. Yes, sir. This the BEST kit with the lab number on
15 the top. This report has the same lab number on it as this
16 BEST kit does. It was a Ziploc bag containing plastic
17 corner containing crystal substance. The results of that
18 were methamphetamine were found in the sample tested of .87
19 grams. And the confidence level for that weight is 99
20 percent.

21 Q. Was there anything else to that transaction, Agent
22 Wingo?

23 A. No, sir, not in that transaction.

24 Q. Agent Wingo, throughout these transactions, you've
25 mentioned strip searches before and after.

1 A. Yes, sir.

2 Q. What were the results of those searches?

3 A. At all times they were negative. Mr. Sekula was
4 never found with anything, any illegal substance on him
5 before the buy or after the buy. They are very thorough
6 strip searches. They take the soles of the shoes out. They
7 take the battery out of his phone to make sure there's
8 nothing there, squat and cough to make sure he hadn't stuck
9 anything where he wasn't supposed to stick it. And
10 throughout all of these buys, Mr. Sekula never had an issue
11 with any kind of contraband being found on him.

12 Q. Agent Wingo, did you conduct any further controlled
13 purchases in this case?

14 A. No, sir, at this time, we reached a point in our
15 case where we had -- we felt it was time to further it
16 beyond controlled buys. So myself, Lieutenant Max Dorsey
17 and Detective Lundberg and some of his supervisors, all met
18 down here and created an ops plan. We obtained search
19 warrant for the three location, for [REDACTED] Summer Creek Drive,
20 for [REDACTED] Bear Island Road, and then [REDACTED] Patriot Boulevard.
21 We were able to obtain search warrants for those.

22 Since there were three locations, we had to create
23 an op's plan to get teams together for those locations.
24 Lieutenant Aaron Rawl was the team captain, if you will,
25 team leader for [REDACTED] Bear Island Road. Special Agent Jason

1 Wells was the team leader for [REDACTED] Patriot Boulevard. And
2 Special Agent Vasquez was the team leader for 116 Summer
3 Creek Drive.

4 We knew that we needed some help conducting an
5 entry into one of those residences, entry referring to
6 securing the residence for safety of law enforcement to be
7 able to come in and search the residence. That was the 116
8 Summer Creek Drive. So we utilized the Berkeley County SWAT
9 team to create our -- conduct the entry into that residence.

10 Q. Agent Wingo, what were the results of that search?

11 A. Of the three searches?

12 Q. Well, if you can break them down, beginning first
13 with, I suppose, Bear Island Road, what was --

14 A. At [REDACTED] Bear Island Road, there were drugs found.
15 There was money found. And I believe there were firearms
16 that were found. There was evidence or items found that are
17 evident to drug dealing and trafficking, I believe, scales,
18 the blenders, some Inositol powder.

19 Q. Please continue.

20 A. At 116 Summer Creek Drive, there were drugs found.
21 I believe there were numerous firearms found and also scales
22 and stuff that are conducive to drug trafficking or drug
23 dealing and drug trafficking.

24 At that time [REDACTED] Patriot -- at [REDACTED] Bear Island
25 Road, there were also documents found that belonged to

1 Mr. Roberts, that belonged to Mr. Hunter, that belonged to
2 Mr. Johnson, and that belonged to Ms. Quezada. Passports,
3 driver's license, school IDs, Social Security cards, all
4 that information was found at [REDACTED] Bear Island Road that
5 belonged to those individuals.

6 There were -- at [REDACTED] Patriot Boulevard, which is
7 Mr. Hunter's residence, there were numerous documents found
8 that showed Mr. Hunter connected to [REDACTED] Bear Island Road.
9 There were documents. There were scales found that had
10 heroin residue. There was Tupperware found that had heroin
11 residue on it, large stacks of money, a money counter and
12 firearms.

13 MS. JOHNS: Your Honor, I object.

14 THE COURT: Basis?

15 MS. JOHNS: Please approach.

16 (Whereupon, the following bench conference takes
17 place.):

18 MS. JOHNS: I object to the testimony of firearms
19 because the whole reason the firearms, all three of them --

20 MR. UNDERWOOD: I told him that we didn't need to
21 talk about firearms.

22 THE COURT: Okay. Well, I will just strike it,
23 strike the testimony and sustain the objection.

24 (Whereupon, the bench conference ends.)

25 THE COURT: The objection is sustained. Ladies and

1 gentlemen, you are to disregard the last two questions and
2 answers in their entirety. You are to give it absolutely no
3 consideration in your deliberations.

4 You may proceed.

5 (Whereupon, the bench conference ends.)

6 BY MR. UNDERWOOD:

7 Q. Agent Wingo, as the results of those searches, what
8 were you able to determine about the relationships between
9 Rosemarie Quezada, Lassain Johnson, Justin Hunter and Emory
10 Roberts?

11 A. As a result of those searches, finding all the
12 evidence that we found at those locations, we were able to
13 see that there was a relationship between those four
14 individuals. Like I said, we found information, passports
15 and such at [REDACTED] Bear Island Road. We found information at
16 [REDACTED] that had those other addresses listed on it.

17 Q. Agent Wingo, aside from the search warrants, were
18 there any other investigative techniques that were used in
19 the investigation of this case?

20 A. Yes, sir. During the execution of the search
21 warrants, myself and Agent Lundberg, Danny Lundberg and
22 Lieutenant Dorsey attempted to approach Mr. Hunter, seeing
23 if he wanted to cooperate. We were conducting surveillance
24 right before the search warrant was executed. And observed
25 Mr. Hunter -- the BMW was parked right in front of his

1 house, that gray 7 Series was parked in front of his house.
2 Mr. Hunter was observed pulling up in the Audi. He, his
3 wife and small child got out of there. We approached
4 Mr. Hunter. We had our vests on clearly marked as police.
5 When we approached him, Mr. Hunter became very stand-offish.
6 He kind of, I will use the term, squared up against us right
7 there.

8 And for the safety of myself and the other
9 officers, we placed him in the investigative detention. We
10 placed him into the front seat of the Detective Lundberg's
11 truck. After searching him, we found two phones and a
12 wallet. And he was taken to another parking lot of the
13 complex.

14 After that, we sat down and I Mirandized
15 Mr. Hunter. I used the card that I always use to Mirandized
16 people. I carry it right here in my credentials case. I
17 pull it out. It's kind of warn. I read to it Mr. Hunter.
18 And he acknowledged to me that he understood his rights and
19 that he agreed to talk to us.

20 After that, Mr. Hunter confessed that he was
21 involved in trafficking heroin. He had been involved in
22 trafficking heroin since winter of 2015. He said that he
23 began trafficking heroin when he met a female down here
24 named Sonia. He was introduced to another male through
25 Sonya named R. I believe -- he briefly bought heroin from R.

1 He then began purchasing heroin from an individual known as
2 B.K. And that went on for about six months. Then
3 Mr. Hunter told me that he would go to New York. He would
4 fly to New York with the money for the heroin in his pocket,
5 and he would stay at the specific hotel. And if I'm
6 correct, the hotel is the Gateway Inn. And he told me
7 address is 1780 Sunrise Highway. He would meet an
8 individual at that hotel known as Fresh. And then he would
9 have a female transport it back down.

10 He would go down there and I think he bought -- I
11 would have to refer to my notes here. He bought 40 grams of
12 heroin from Fresh for right around \$1,600. After that,
13 Mr. Hunter gave me a list of customers that he would sell
14 to. There was three specifically he told me about. One was
15 a male named Parker. He would sell him around an
16 eight-ball.

17 Another was a male known as Chuck. Chuck was a
18 white male. He had a girlfriend. He drove a work truck.
19 Mr. Hunter told me he sold at least a gram.

20 And the third was an individual named Tom who he
21 sold heroin through throughout Dorchester and Berkeley
22 Counties.

23 After this, Mr. Hunter became very emotional after
24 telling me these things and asked me to take him to jail.
25 So I placed him under arrest. And he was transported to

1 jail in Columbia.

2 Q. At that time, when Mr. Hunter was placed under
3 arrest, was there anything seized him?

4 A. Yes, sir. There were two cell phones, an iPhone
5 and a little blue flip phone, and then his wallet.

6 Q. Agent Wingo, I'm now showing you what's been marked
7 for identification as State's Exhibits 189, 190, 191, 192
8 and 193. Could you identify what each of those items are?

9 A. 189 is that little blue cell phone I took off
10 Mr. Hunter.

11 190 is the Apple iPhone that was taken off
12 Mr. Hunter.

13 191, that's Mr. Hunter's driver's license.

14 Q. Where did that come from?

15 A. His wallet.

16 Q. The wallet was seized?

17 A. Yes, sir.

18 192 is a receipt that was found in the wallet for
19 the Gateway Inn located at 1780 Sunrise Highway. It
20 shows -- has Mr. Hunter's name on it right here and shows
21 him being up there January 25th, 2016.

22 And then Item No. 193 is another gold Green Dot
23 card, which, like Lieutenant Rawls said yesterday, it is
24 usually --

25 MS. JOHNS: Your Honor, I object.

1 THE COURT: Sustained. Hearsay.

2 THE WITNESS: That, through my training and
3 experience, I've seen be used by other drug traffickers to
4 move large amounts of money around.

5 Q. Where was that?

6 A. That was also in Mr. Hunter's wallet.

7 MR. UNDERWOOD: Your Honor, at this time the State
8 to move into --

9 THE COURT: The phones have already come in,
10 haven't they?

11 MR. UNDERWOOD: These are different phones, Your
12 Honor.

13 THE COURT: Oh, never mind. I may have the numbers
14 wrong.

15 Any objection?

16 MR. GRIFFITH: Without objection.

17 MS. JOHNS: No, Your Honor.

18 THE COURT: Marked and admitted without objection.

19 (State's Exh. 189, Cell phone, is received in
20 evidence.)

21 (State's Exh. 190, Cell phone, is received in
22 evidence.)

23 (State's Exh. 191, Justin Hunter's driver's
24 license, is received in evidence.)

25 (State's Exh. 192, Gateway Inn receipt, is

1 received in evidence.)

2 (State's Exh. 193, Green Dot card, is received in
3 evidence.)

4 BY MR. UNDERWOOD:

5 Q. First Exhibit 193, 190, 189, 192, Agent Wingo, what
6 is the significance of this receipt that was found in
7 Mr. Hunter's wallet?

8 A. That receipt corroborates with the statement that
9 he gave me of where he would go up in New York to purchase
10 or meet the individual to purchase the heroin. He stated
11 that it was at the Gateway Inn located at 1780 Sunrise
12 Highway.

13 Q. State's Exhibit 191, Agent Wingo, do you recognize
14 the individual in that driver's license?

15 A. Yes, that's Mr. Justin Hunter.

16 Q. Is that the same individual you took the confession
17 from?

18 A. Yes, sir, it is.

19 Q. Agent Wingo, did Mr. Hunter give you any of his
20 personal identifying information or contact information?

21 A. Yes, sir, he did. When we interview these people,
22 we try to get as much information from them as we can. He
23 gave me his date of birth, Social Security number, his
24 address. He gave me some telephone numbers, how much he
25 weighed, how tall he was, his South Carolina driver's

1 license number. He gave me that. He told me his work
2 status, which at the time was unemployed. He provided me a
3 telephone number of (843) 496-██████.

4 Q. Sorry. What was that number one more time,
5 please?

6 A. Telephone (843) 496-██████, but after reviewing it, I
7 realized that I was slightly dyslexic, and it's actually
8 469. I've messed up on that number a couple of times when
9 writing reports. After looking back, I realized that that
10 number was also utilized on the October 28th buy to contact
11 Mr. Hunter.

12 And also, after reviewing some of the Western Union
13 receipts that Mr. Lundberg found in the trash, that same
14 number is listed on those as well.

15 MR. UNDERWOOD: Beg the Court's indulgence, Your
16 Honor. Your Honor, request permission to publish State's
17 Exhibits 39 and 40.

18 THE COURT: You may proceed.

19 BY MR. UNDERWOOD:

20 Q. It's a bit grainy on the projector, but, Agent
21 Wingo, can you make out the phone number right here?

22 A. Yes, sir. That is (843) 469-██████. And right above
23 it is the sender's name, which is Justin Hunter.

24 Q. 140, can you make out that phone number?

25 A. (843) 469-██████, same sender, it was Justin Hunter.

1 Q. And how does that phone number relate back to the
2 controlled purchases you conducted?

3 A. That is the same phone number that was utilized to
4 contact Mr. Hunter on the controlled purchase that we used.
5 Mr. Hunter answered the phone as well as called us back from
6 that number.

7 Q. Agent Wingo, earlier in your testimony, I may have
8 skipped over a question, did you conduct any controlled
9 purchases on anyone other than Emory Roberts, Rosemarie
10 Quezada, Will Brown and Justin Hunter?

11 A. Yes, sir, we did. We conducted a buy on an
12 individual known only to us as Keith. I'm going to have to
13 reference my report to make sure that I have the date
14 correct on that. That buy occurred at the -- I do remember
15 we utilized Mr. Sekula to purchase heroin from an individual
16 known as Keith. The buy -- he was strip-searched and driven
17 to the trailer park writ in Arno. He was then -- there's --
18 so the way this trailer park is set up, it's one long
19 street. And then on the left, there is streets that go down
20 into dead-ends, kind of like that. The trailers are back to
21 back. There's not really many fences you can kind of walk
22 back and forth through it.

23 Mr. Sekula, after being driven there by Mr. Allen,
24 he met with this individual we know as Keith on the street,
25 right behind the trailer for Arno Drive, like, he walked

1 through the yard to the trailer or to the road right there
2 and met Mr. Sekula. The deal occurred. Mr. Sekula got back
3 into the vehicle with Detective Allen, where he handed
4 Detective Allen heroin. The heroin was then -- they drove
5 back to the meeting location with the surveillance team.
6 Detective Allen handed me the heroin. And Mr. Sekula was
7 immediately strip-searched again. I took the heroin and
8 placed it into a SLED BEST kit where I submitted it to the
9 lab for analysis.

10 Q. To your knowledge, was that analysis performed?

11 A. Yes, sir, it was.

12 Q. Now handing you State's Exhibit 142, do you
13 recognize that?

14 A. Yes, sir, I do. That is the -- excuse me, that is
15 the lab report for the drugs that I placed into the BEST
16 kit.

17 Q. What were the results of that analysis?

18 A. Heroin was found, a total weight of 14 grams. And
19 the confidence level for that weight is 99 percent.

20 Q. Agent Wingo, were there any other investigative
21 techniques used during the investigation of this case?

22 A. During this investigation, myself and Detective
23 Lundberg conducted many, many hours of surveillance on
24 Mr. Hunter. And we were able to obtain what is known as a
25 mobil tracking device, which is basically a tracker that you

1 place on to a vehicle. And then that tracker sends a signal
2 to computer database where you are able to locate and see
3 where all that vehicle had been going. I was able to pull
4 the reports from that tracker.

5 Q. When did you -- were you successful in placing the
6 tracker on Mr. Hunter's vehicle?

7 A. Oh, yes, sir, I was.

8 Q. When did that take place?

9 A. January of 2016.

10 Q. What vehicle was the tracker placed on?

11 A. We placed it on the gray 7 Series BMW that we
12 determined was the primary vehicle Mr. Hunter drove through
13 just conducting surveillance on him. And we were able to
14 obtain quite a few locations where Mr. Hunter went.

15 Q. As relates to the case that we have discussed
16 during this trial, what locations did the vehicle go to
17 according to the GPS tracker?

18 A. According to the GPS tracker, it visited Patriot
19 Boulevard numerous of times. It visited [REDACTED] Bear Island
20 Road, as well as Summer Creek Drive numerous times.

21 Q. Agent Wingo, were you able to approach any other
22 individuals for cooperation in this case?

23 A. Yes, sir. After Mr. Hunter questioned he wanted to
24 go to jail and he was arrested, I then drove to [REDACTED] Summer
25 Creek Drive where I was introduced to Mr. Brown by

1 Lieutenant Leslie. Lieutenant Leslie already Mirandized
2 Mr. Brown and they were talking. Lieutenant Leslie of SLED
3 informed me that Mr. Brown was wanting to cooperate. And
4 Mr. Brown and I sat down and started talking about his
5 involvement in the organization.

6 One of the things that we do is, we get cell
7 phones, people use cell phones for everything nowadays.
8 They usually have a good amount of evidence on them.
9 Mr. Brown, I presented him with a consent to search form for
10 his cell phone. He signed it. And I was able to take that
11 cell phone and examine it. I was able to look at that cell
12 phone and tell that there was nothing pertinent on
13 Mr. Brown's cell phone itself that was going to help me
14 further my case against them.

15 Then when I brought the cell phone back to
16 Mr. Brown, I brought with me some photo lineups. I met
17 Mr. Brown at a meeting location in Dorchester County, myself
18 and Lieutenant Rawl. I would take the photo lineup,
19 Mr. Brown, do you see anybody on this page that you know? I
20 wouldn't tell him who was on there, you know who he was
21 supposed to be looking for. It was, do you see anybody on
22 this page that you know? If you do, circle them and put
23 your initials.

24 Q. And how many photo lineups did you show him at that
25 time?

1 A. I believe four.

2 Q. What were the results of showing him those lineups?

3 A. He was correctly able to identify Ms. Quezada,
4 Mr. Roberts, Mr. Hunter, as well as, I believe, Mr. Johnson
5 as well.

6 Q. How are these lineups created?

7 A. You send a photo lineup request to a -- SLED has a
8 fusion center. It's an intelligence gathering group where
9 they are able to analyze data that comes in. They create
10 photo lineups. They run tags for us. Basically, it's our
11 operations desk. I would send a request in to an analyst.
12 And they created the photo lineups for me.

13 I've never created a photo lineup, so I don't know
14 how they did it, but I just know that she sent me the
15 e-mails -- actually, had to go pick them up from the
16 analysis that day in Columbia at their office.

17 Q. Do you know where the photographs come from that
18 are used in the lineups?

19 A. They either come from previous jail mug shots or
20 South Carolina DMV.

21 Q. And, again, did Justin Hunter have a South Carolina
22 driver's license?

23 A. Yes, sir, he did.

24 MR. UNDERWOOD: Court's indulgence, Your Honor.

25 Q. Agent Wingo, going back to the GPS tracker you

1 discussed, how long was that tracker on Mr. Hunter's
2 vehicle?

3 A. From beginning of January up until the time when I
4 met Mr. Hunter and we seized that vehicle.

5 Q. Was that the day of the search warrant?

6 A. Yes, sir, it was.

7 Q. What date was that?

8 A. If I recall, it was February 8th. We seized the
9 vehicle and it was placed into a Dorchester County impound
10 yard.

11 Q. Who placed the tracker on the vehicle?

12 A. Detective Lundberg did at one time. And there were
13 two times -- because the first tracker kept dying. There
14 was a faulty battery in it or something like that. And so
15 we've had to switch the tracker out. So we switched the
16 tracker out. And one time one of the agents that -- another
17 narcotics agent with SLED assisted me in putting that on
18 there. And he put it on there. I was there for both of
19 those placements, though.

20 Q. Agent Wingo, as relates to confidential informants,
21 how do narcotics agents interact with those confidential
22 informants to convince them to become confidential
23 informants? Are there any threats involved?

24 A. No, sir. It is -- throughout all my training with
25 Lieutenant Dorsey and all the other narcotics agents that I

1 have, you are not to threaten them in any way. You are not
2 to promise them anything. You are not to try and scare them
3 or, you know, anything like that. That is a decision that
4 has to be made on their own free will. And if they say no
5 and they want to leave, you let them. Not leave, per se,
6 but if they agree -- they don't want to cooperate, you leave
7 it alone. You just let it go.

8 Q. When you became involved in this investigation,
9 please describe what kind of personal interaction you had
10 with the confidential informant, Thomas Sekula.

11 A. Prior to meeting Detective Lundberg and Tommy, I
12 knew nothing of Tommy. I knew nothing of his charges. I
13 knew nothing of what Dorchester County, their agreement with
14 him. That wasn't my dealings. I was -- I left that to the
15 sole responsibility of Detective Lundberg. I utilized
16 Tommy. We had some basic rules that Tommy and I went over,
17 you know, you can't keep the drugs, you can't keep the
18 money, you can't break the law while you are working for me,
19 kind of deal. But I never promised to me anything.

20 That was all Detective Lundberg, he and Tommy had
21 an agreement that they had worked out with the Dorchester
22 County Sheriff's Office.

23 Q. During the time that you were working with Tommy
24 Sekula, did he commit any misconduct during any of the
25 controlled purchases?

1 A. No, sir, not at all. He was always -- like I said,
2 during all those controlled buys, he always went in or met
3 with whoever, came right back out and gave the drugs
4 directly to Detective Allen. On all strip-searches, there
5 was nothing found, no paraphernalia, no drugs. He was
6 always clean as far as no -- nothing illegal was ever found
7 on Mr. Sekula.

8 MR. UNDERWOOD: Your Honor, may I have one moment?

9 Q. Agent Wingo, the equipment that was used during the
10 controlled purchases, the audio/video equipment, who did
11 that belong to?

12 A. That was Dorchester County Sheriff's Office. They
13 provided the audio and video equipment for all buys.
14 Mr. Sekula was familiar with that equipment. He knew how to
15 use it. You can't really bring a film crew in when you are
16 doing these drug buys. And the CIs are already nervous
17 going in to conduct these as it is. So to kind of calm them
18 down, the more familiar they are with whatever they are
19 using, usually the smoother things go. So I didn't
20 introduce any new equipment. Mr. Sekula continued to use
21 the same equipment that Detective Lundberg had used on him
22 throughout the whole investigation.

23 Q. At any time did Mr. Sekula do anything for you to
24 doubt his reliability or veracity?

25 A. Not while he was working for me, no, sir.

1 MR. UNDERWOOD: Thank you. Please answer any
2 questions opposing counsel has.

3 THE WITNESS: Yes, sir.

4 MR. GRIFFITH: If it please the Court, can we have
5 a brief break?

6 THE COURT: Sure. ladies and gentlemen, we're
7 going to take a brief recess. During the break, please do
8 not discuss the case and please leave your notepads in your
9 seats. We appreciate your patience.

10 (Whereupon, the jury leaves open court at 2:44
11 p.m.)

12 THE COURT: We will be at ease for about ten
13 minutes.

14 (Whereupon, a recess transpired.)

15 THE COURT: Everybody sufficiently refreshed? The
16 State ready to proceed?

17 MR. UNDERWOOD: Yes, Your Honor.

18 THE COURT: Defense ready to proceed?

19 MR. GRIFFITH: Yes, Your Honor.

20 MS. JOHNS: Yes, Your Honor.

21 THE COURT: Please bring in the jury.

22 (Whereupon, the jury returns to open court at 2:58
23 p.m.)

24 THE COURT: You may proceed.

25 MR. GRIFFITH: May it please the Court, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. GRIFFITH:

3 Q. Agent Wingo.

4 A. Yes, sir, that's Agent Wingo, Mr. Griffith.

5 Q. Did you ever see with your own eyes Mr. Roberts
6 hand any drugs to anybody?

7 A. With my own eyes, no, sir; through other
8 investigative techniques.

9 Q. When you talk about the confidence level of 99.7
10 percent, you say the confidence level of the weight, isn't
11 that what we are talking about?

12 A. That's what the lab report said.

13 Q. But the confidence level of the weight, that means
14 that they took something, weighed it, and they are very
15 confident that what they weighed weighs that much?

16 A. Sir, I'm a narcotics agent, not at a chemist.

17 Q. That's not the percentage of heroin in that sample,
18 is it?

19 A. Again, sir, I'm a narcotics agent. I am not a
20 chemist. I am not in the lab. And I couldn't tell you how
21 they test that stuff. You would have to reference a
22 chemist.

23 Q. What you are saying is, when you repeat that, and
24 when you've read that, you've said the confidence level of
25 the weight was 99.7 percent; isn't that correct?

1 A. You got a specific lab report you are referencing?

2 Q. You said that on every lab report.

3 A. That's what the lab reports say.

4 Q. Okay. So if I mix a gram of heroin with 27 grams
5 of baby powder, it's going to come up, yep, that sure does
6 weigh 28 grams. But that doesn't mean it's 28 grams of
7 heroin, does it?

8 A. That means there's heroin in there, sir. But,
9 again, I am not a chemist.

10 Q. Okay. Now, did you participate -- you were present
11 when calls were made by Tommy; is that correct?

12 A. Yes, sir. When he was working for me, we directed
13 who Tommy called.

14 Q. But at no time when those calls were made did
15 anyone pick up the phone and say, hi, this is Mr. Hunter?

16 A. In drug trafficking organization, people use a lot
17 of nicknames. Obviously, you are not going to say, it's
18 Timothy Griffith, I've got heroin to sell you. You use a
19 lot of nicknames to avoid detection and get caught.

20 Q. Let me rephrase it. At no time did anyone pick up
21 the phone and say, hi, this is Mo, or, this is G, or, this
22 is Q, or, this is any name?

23 A. Sir, when you call someone you are familiar with,
24 do you see, hey, is this my mom, or do you automatically
25 begin talking? Because the level or relationship that

1 Mr. Sekula had with these individuals was familiar enough
2 that they could recognized each other's voice.

3 Q. But they did not identify -- what I'm saying is --

4 A. I understand what you are saying.

5 Q. They did not identify --

6 A. No, sir. Nobody ever picked up the phone and said,
7 this is Q or Mr. Roberts.

8 Q. Okay. So you don't know who really answered that
9 phone, do you?

10 A. No, sir, I guess I don't know who was on the other
11 end that picked that phone up.

12 Q. Okay. The quantity of heroin that Mr. Hunter in
13 his statement said he bought, 40 grams for \$1,600, is that
14 what you told us?

15 A. Let me refer to my notes for that, but -- I
16 apologize, sir. Yes, sir. It is -- he purchased -- the
17 most heroin he had ever purchased from Fresh was 40 grams
18 for \$1,600. Usually, if you've been dealing with an
19 individual long enough --

20 MS. JOHNS: Objection, Your Honor.

21 THE COURT: Basis? Basis of the objection?

22 MS. JOHNS: Nonresponsive.

23 THE COURT: Overruled. Sir, you may continue your
24 answer.

25 THE WITNESS: Usually when you are dealing with an

1 individual, through my training and experience, it seems
2 that if you were dealing with an individual buying
3 significant amount of weights of something --

4 MR. GRIFFITH: Objection. Nonresponsive.

5 THE COURT: Repeat the question. And, sir, you may
6 answer yes or no.

7 MR. GRIFFITH: I asked --

8 THE COURT: Neither of you speak over me. Repeat
9 the question, Mr. Griffith.

10 BY MR. GRIFFITH:

11 Q. I asked you if you paid \$1,600 for 40 grams?

12 A. Yes, he did.

13 THE COURT: Continue.

14 Q. So did you ever actually observe when Mr. Tommy
15 went into that -- any of those homes, did you observe
16 Mr. Roberts actually with your own eyes at all?

17 A. Sir, I answered that question one time. I never
18 personally observed Mr. Roberts. You can watch videos and
19 stuff and see him on there, but I never observed him.

20 Q. Okay.

21 MR. GRIFFITH: I have no further questions. Please
22 answer any questions Ms. Johns has.

23 THE COURT: Ms. Johns.

24 MS. JOHNS: Thank you, Your Honor. May it please
25 the Court.

1 THE COURT: Sir, please don't compromise your
2 representation by speaking out loud. If you need a break to
3 speak with your lawyer, I will give that to you. You may
4 proceed.

5 MS. JOHNS: Thank you, Your Honor.
6 Your Honor, beg the Court's indulgence for one
7 moment.

8 THE COURT: Uh-huh.

9 CROSS-EXAMINATION

10 BY MS. JOHNS:

11 Q. It's been a long week, Investigator Wingo.

12 A. Yes, ma'am.

13 Q. How are you? Okay. When was the first time you
14 met Tommy?

15 A. It was beginning of September, ma'am, when I
16 first -- when I was introduced by Detective Lundberg to
17 Mr. Sekula.

18 Q. And Detective Lundberg gave you his case file, did
19 he not?

20 A. At that time, he didn't physically give it to me.
21 He and I reviewed the case file together. He informed me of
22 what investigation up to the point of me becoming involved
23 he had conducted.

24 Q. And if you were going to get involved in an
25 investigation of another law enforcement agency, you need to

1 know everything, don't you?

2 A. Up to a certain extent, ma'am. I need to know what
3 involves me, what I'm signing up to do, as far as what
4 targets we are buying from, how much money we may be
5 spending, what kind of drug we are buying.

6 Q. Is it fair to say that it would be unsafe if you
7 entered into an investigation and you didn't know everything
8 you were dealing with?

9 A. In what regard, ma'am?

10 Q. In other words, you have to know who the officers
11 are, correct?

12 A. Yes, ma'am.

13 Q. You have to know who their confidential informants
14 are, correct?

15 A. Yes, ma'am.

16 Q. And you have to know who the targets are, right?

17 A. Yes, ma'am.

18 Q. And you were informed of all three of those thing,
19 were you not?

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

21 Q. And when you met with Tommy for the first time, do
22 you remember the date?

23 A. I don't remember the specific date, no, ma'am, I
24 met with Tommy. I didn't document every time I sat down and
25 talked with Tommy or had contact with him with Investigator

1 Lundberg.

2 Q. You didn't document that?

3 A. Not every single time. I documented the debrief
4 that Tommy and I conducted.

5 Q. I am not talking about the debrief. I'm talking
6 about every time you met with Tommy about anything
7 concerning this case.

8 A. It's obviously documented in the buys. It is --

9 Q. I understand it's the buys. That's not my
10 question. My question is, did you document each and every
11 time you met with Tommy? Yes or no?

12 A. No, ma'am.

13 Q. And you do not remember the date that you first
14 were introduced to Tommy, do you?

15 A. No, ma'am, I don't.

16 Q. Now, when the buy that had occurred on September --
17 bear with me.

18 A. Yes, ma'am.

19 Q. The first buy that you mentioned when Tommy bought
20 from Q, what was the date of that?

21 A. That was September 23rd.

22 Q. Okay. And had you interviewed Tommy before you set
23 him up with the money to go buy from Mo or Q or G or Cici?
24 Did you talk with him?

25 A. I sat down and talked with Tommy. I also had sat

1 down and talked to Detective Lundberg with Tommy.

2 Q. Right. Okay. The decision that was made in regard
3 to the amount of drugs that were to be purchased was made by
4 you and Detective Lundberg, correct?

5 A. Yes, ma'am, it was.

6 Q. And part of the reason for that is that you have to
7 request funds in order to provide to the confidential
8 informant to pay for the drugs, correct?

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

10 Q. So the more funds that you request, the more drugs
11 you can buy; isn't that right?

12 A. Not necessarily, no, ma'am. Sometimes it depends
13 on how many drugs the bad guy has. That really determines
14 what I buy and don't buy. It's not how much money I have in
15 my little buy bag. It depends how much money or how much
16 the amount of drugs that they have.

17 Q. Okay. And if you are informed that an amount of
18 drugs can be purchased, you have to provide the funds for
19 that, don't you?

20 A. Yes, ma'am. I provide the State-documented funds
21 that were obtained from SLED.

22 Q. Now, the State-documented funds, when you say
23 State-documented funds, you put in a request for the funds,
24 correct? That's the first step?

25 A. I take and -- there's a process you have to go

1 through. It's very lengthy process that involves a lot of
2 people signing, to include majors and captains and
3 lieutenants.

4 Q. Okay. So one of the steps is that you have to
5 request the funds, correct?

6 A. That is correct.

7 Q. Another one of the steps is that you make
8 photocopies of the funds, do you not?

9 A. No, ma'am. SLED's policy is we do not make
10 photocopies. We notate them on the back of the confidential
11 vouchers, which we turn into our captain, or we turn into
12 our approval, our supervisor, in my case, Lieutenant Dorsey,
13 so he can prove it. He looks at the back of the voucher.
14 He sees it and it goes on. SLED'S policy and -- Dorchester
15 County makes photocopies. SLED, we are not permitted to
16 make photocopies of the money. That is not our policy.

17 Q. In this case, there are photocopies made of the
18 money of every buy, correct?

19 A. No, no, ma'am, not on my buys. On the six
20 Dorchester did, there are.

21 Q. So you don't have marked money that you give to an
22 informant? Is that what you are telling us today?

23 A. In regards to marked money, in what regard, ma'am?

24 Q. How do you know whether the money that is being
25 used is the funds that you provided to the confidential

1 informant? You don't know how that's done?

2 A. Because I'm the one that writes the serial numbers
3 on the back of the voucher directly from that money.

4 Q. So you write down the serial numbers?

5 A. Yes, ma'am. The process is, we establish a price.
6 I take the money. And I have a voucher. I take on the back
7 of that voucher and I write the domination. And I go down
8 through those denominations, and I list out each serial
9 number on the back of that voucher.

10 Q. That's how you keep track of the money, correct?

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

12 Q. And it's also how you can actually go in and arrest
13 somebody if they have one of those marked bills on there; it
14 would be on their possession, correct?

15 A. I'm sorry?

16 Q. If Tommy goes in and pays the drug dealer the
17 money, and you arrest the drug dealer, then if he has any of
18 that money with the serial numbers on it, you know he got
19 that money from Tommy, right?

20 A. Usually that's what happens, yes, ma'am.

21 Q. Okay. Now, I'm going to refer to a few of these
22 forensic services laboratory reports. And I'm just going to
23 refer to them one at a time.

24 State's Exhibit No. 106, the date on that is August
25 the 11th of 2015; is that correct?

1 A. No, ma'am.

2 Q. What is the date of the incident then?

3 A. September 17th.

4 Q. Sorry. September 17th?

5 A. Yes, ma'am. This is not my buy.

6 Q. Okay. On that particular drug analysis form, there
7 is a SLED lab number, correct?

8 A. Yes, ma'am, there is.

9 Q. And there's a case number listed; is that right?

10 A. There is a Dorchester County case number listed.
11 There's not a SLED case number listed.

12 Q. Okay. And under that, there's a box that has the
13 letter S in it; is that right?

14 A. Yeah, ma'am, there is.

15 Q. And besides that it says FNU/LNU, right?

16 A. Yes, ma'am, there is.

17 Q. What does FNU mean?

18 A. First name unknown.

19 Q. And the LNU, what does that mean?

20 A. Last name unknown.

21 MS. JOHNS: Okay. And, Your Honor, approach the
22 witness?

23 THE COURT: You may.

24 BY MS. JOHNS:

25 Q. State's Exhibit 130, is that the same situation,

1 first name unknown, last name unknown?

2 A. Yes, ma'am. But, again, these are not my buys.

3 Q. I didn't ask you if they were your buys. Just
4 asking what they say.

5 A. FNU/LNU right next to the subject box.

6 Q. What is the incident date on that?

7 A. September 17th.

8 Q. And showing you State's Exhibit No. 107, read the
9 incident date on that, please.

10 A. September 17th.

11 Q. Same one? Sorry.

12 A. I'm sorry. I apologize. The incident date is
13 8/27.

14 Q. And, again, first name unknown, last name unknown,
15 correct?

16 A. Yes, ma'am, that's what it says.

17 Q. All right. And then referring to State's Exhibit
18 No. 142, what date, incident date is that?

19 A. 10/19/2015.

20 Q. And what does it state under subject?

21 A. Keith LNU.

22 Q. So Keith last name unknown?

23 A. Yeah, ma'am, that's what that means.

24 Q. Okay. Thank you.

25 A. Yes, ma'am.

1 Q. Do you have a written copy of the interview that
2 you conducted with Tommy on October the 15th, 2015?

3 A. Up here, ma'am, with me right now?

4 Q. No. Did you produce one?

5 A. Yes, ma'am. I submitted an interview to the case
6 file.

7 Q. Okay. And the interview would state that on
8 October the 14th, that you interviewed Tommy or Thomas
9 Sekula?

10 A. That's correct, yes, ma'am.

11 Q. And during this interview, you pretty much asked
12 him certain questions about where he was getting his drugs
13 from, correct?

14 A. I told Mr. Sekula to pretty much tell me his life
15 story from the first time he started using drugs up until
16 that day.

17 Q. Okay. Did you think that he told you this life
18 story?

19 A. He was pretty detailed when he told me, yes, ma'am.

20 Q. And did you reduce those details to writing in your
21 opinion?

22 A. Not in my opinion. I reviewed my notes that I had
23 taken during that interview. And I transferred it from what
24 I had taken from that interview and put it on that, in
25 that -- from those notes and put it in the report. I didn't

1 put an opinion in there.

2 Q. Okay. Were you able to investigate a man by the
3 name of Rory Maine?

4 A. I'm sorry, ma'am?

5 Q. Were you able to investigate a man by the name of
6 Rory Maine?

7 A. Rory Maine? I am not familiar with that. I never
8 investigated somebody named Rory Maine.

9 Q. Well, this is a name that was provided to you by
10 Tommy, right?

11 A. Yes, ma'am. I believe that that was someone he had
12 dealt with in previous years prior to meeting me.

13 Q. Okay. The fact that somebody he dealt with in
14 previous years, does that mean that that person is no longer
15 using drugs?

16 A. No, that's not what that means, no, ma'am. But
17 that's not what -- that person -- I had no idea who that
18 person was. Tommy provided it to me.

19 Q. Right. Okay. And then there's another man by the
20 name of Troy McDowel, same situation, correct?

21 A. Yes, ma'am.

22 Q. And then a guy named Rico?

23 A. Yes, ma'am.

24 Q. All right. Hispanic man named Flaco, do you
25 remember that conversation you had with Tommy?

1 A. Is that included in that interview too, ma'am?

2 Q. Uh-huh.

3 A. Yes, ma'am, I remember it.

4 Q. All right. And Matthew Simpson?

5 A. Yes, ma'am, I remember these names.

6 Q. And do you remember that Matthew Simpson was one of
7 his dear friends?

8 A. I don't know if he used the term "dear friend" in
9 this interview. He said that he knew Matthew Simpson.

10 Q. Did he say Matthew Simpson was a friend of his?

11 A. I would have to refer to that interview. If you
12 don't mind, could I look at it?

13 Q. Yeah.

14 A. Yes, ma'am, he states that he is a friend.

15 Q. Did you investigate or focus on a Matthew
16 Simpson?

17 A. No, ma'am, not at that time, I did not.

18 Q. White male by the name of Brandon Timblin (ph)?

19 A. No, ma'am.

20 Q. Did you obtain any phone numbers from him?

21 A. I may have in that interview, just to see how much
22 Tommy knew, I guess, how familiar he was with the subject.
23 But, no, ma'am, I did not. I did not personally say, Tommy,
24 give me his number so we can work on him.

25 Q. All right. With regard to Simpson, he said that he

1 had purchased 50 times from him; do you remember that?

2 A. Yes, ma'am.

3 Q. And is that -- do you consider that a lot?

4 A. I mean, for a -- yes, ma'am.

5 Q. Okay. And with this case, what you have so far is
6 that you have Tommy purchasing while you were on the case
7 four times?

8 A. While I was off the case?

9 Q. While you were on the case, Tommy purchased from
10 Mr. Justin Hunter four times?

11 A. Under my control and direction.

12 Q. Okay. So in comparison, when Tommy buys from
13 Matthew Simpson 50 times and he buys from Justin Hunter four
14 times, that's a little skewed, don't you think?

15 A. The amounts he was buying from Mr. Simpson and the
16 amounts he was buying from Mr. Hunter probably, I assume
17 varied. I don't think he was getting 14 grams from
18 Mr. Simpson.

19 Q. That is a choice you made, though, wasn't it?

20 A. Yes, ma'am.

21 Q. Okay. And then there was a guy name Bengi and a
22 guy named John. I guess the last names are not known or
23 last name unknown?

24 A. I would assume, yes, ma'am.

25 Q. Then you have several other people, Justin Gordon

1 Hunter, a/k/a Mo listed. You have a guy name G listed, a
2 guy named Q listed, last name unknown. You have a guy named
3 Jacob. Did you focus on Jacob?

4 A. At the time we started -- we attempted to buy from
5 Jacob. Jacob wasn't in this organization anymore when we
6 started buying drugs.

7 Q. How do you know that?

8 A. Because if he was in this organization, I bought
9 drugs from him.

10 Q. Well, what about some of these females you didn't
11 focus on? Because the drug organization doesn't only focus
12 on people who sell, but also focuses on people who buy,
13 don't they?

14 A. Occasionally, yes, ma'am.

15 Q. Because, actually, Tommy is a buyer, right?

16 A. Tommy is an addict.

17 Q. Right. But he's a buyer in this organization, is
18 he not?

19 A. He's a user in this organization. It's a supply
20 and demand thing.

21 Q. Let me break it down.

22 A. Yes, Tommy buys drugs from Justin Hunter.

23 Q. Now, Tommy buys the drugs from anybody where he can
24 find it, right?

25 A. Well, under my direction and control, Tommy was

1 buying drugs from Justin Hunter.

2 Q. And he bought drugs from other people that have
3 been accused, correct?

4 A. Yes. He also bought drugs from Mr. Roberts. He
5 also bought drugs from Ms. Quezada. He also bought drugs
6 from Mr. Johnson. He also bought drugs from Ms. Keith
7 LNU.

8 Q. And he bought those drugs from those people at your
9 direction?

10 A. He was strip-searched. He had audio/video
11 recording devices on him. He was under the control of an
12 undercover officer. He was using the money that was given
13 to him by the State. He would go purchase these drugs and
14 immediately relinquish custody of them to that undercover
15 officer and be strip-searched again.

16 Q. We have heard that from you already on direct.
17 That's not what I'm asking you about. I'm asking you, first
18 of all, is a buyer considered a part of a drug
19 organization?

20 A. Yeah, ma'am, they are.

21 Q. So when you interview Tommy and you've receive
22 information about his brother, do you investigate his
23 brother at all?

24 A. No, ma'am, I don't. I am not -- I didn't receive
25 information about Tommy's brother.

1 Q. Well, let me refresh your memory.

2 MS. JOHNS: May I approach?

3 THE COURT: You may.

4 THE WITNESS: Yes, ma'am. Where he sold to his
5 brother or -- yes, ma'am. He does mention his brother in
6 this.

7 BY MS. JOHNS:

8 Q. Okay. And who is -- is it Sylvia Silva, the girl
9 that was found at the Summer Creek house?

10 A. Ma'am, I don't know who that was. She was someone
11 else found at that location doing execution of the search
12 warrant.

13 Q. Do you remember her name?

14 A. If I can recall correct, I think her name was
15 Shirley. I didn't have any contact with her.

16 Q. You are right, her name was Shirley, Shirley Silva.
17 You didn't have any contact with her?

18 A. No, I never met her at all. Another SLED agent
19 interviewed her.

20 Q. Did she have to sign up to be a CI?

21 A. In what regard?

22 Q. In the fact that she gave a statement admitting her
23 involvement in drugs?

24 A. You don't have to sign up to be a CI to give a
25 statement. Mr. Valentine wasn't a CI.

1 Q. But he was definitely looking for something, wasn't
2 he?

3 A. He met with us. He was in an agreement -- he and
4 Detective Lundberg had talked about that. I just took a
5 statement from him.

6 Q. And when you took the statement from Craig
7 Valentine, you knew that even though -- you don't outwardly
8 promise anybody anything, right --

9 A. No, ma'am, I don't promise anybody anything in
10 regard to the CI when we meet them. I've been taught
11 through training and experience not to promise anyone
12 anything, because I ultimately don't make the decision of
13 what happens to them.

14 Q. Okay. But you do make decisions about what the CI
15 does, don't you?

16 A. Yes, ma'am, I do.

17 Q. And you didn't threaten Craig Valentine or Tommy
18 Sekula, did you?

19 A. No, ma'am, I did not.

20 Q. Well, who is it that informed them how much time
21 they could get; was that you?

22 A. No, ma'am, I did not. I am not a lawyer.

23 Q. Okay.

24 A. And I am not a prosecutor. I am not -- I am
25 familiar with the drug laws, but I would not ever

1 specifically say, if you don't do this, you are getting a
2 range of 4 to 7 years.

3 Q. Well, in this case, it's not 4 to 7 years. It's 25
4 years, isn't it?

5 A. Ma'am, I never informed Tommy Sekula any length of
6 time that he was getting. I never informed Craig Valentine
7 of any length of time that he was getting. I was even
8 unaware of Craig's charges until after I met him and
9 Detective Lundberg told me.

10 Q. When did you meet him? Let's get to that.

11 A. I believe it was some time in October of 2015.

12 Q. '15, right? Okay.

13 A. Yes, ma'am.

14 Q. And when you interviewed him, was he locked up or
15 was he free?

16 A. He was free, ma'am.

17 Q. Did you follow him, because he was clearly a heroin
18 addict? Did you investigate him?

19 A. I had no reason to investigate Mr. Valentine.

20 Q. You didn't? Even though he told you that he was a
21 user?

22 A. Yes, ma'am.

23 Q. Okay. There are 14 people, 14 names that Tommy
24 gave you about people he was selling to. Did you
25 investigate any of the people that were buyers in his

1 organization?

2 A. I was not working down in this investigation. I
3 was working up to cut the head off the snake. It would not
4 make sense for me to take Tommy and try to go and buy heroin
5 from people he was selling to, when I could take Tommy and
6 sell to people he was selling from.

7 Q. Do you think Tommy is the only person these 15
8 people were buying heroin from?

9 A. Do I think that Tommy was the only person these
10 people were buying heroin from? I don't know no, ma'am.

11 Q. Well, you know a little bit about the drug trade,
12 don't you?

13 A. But I don't know the people specifically. I don't
14 know what they were doing.

15 Q. Right. Okay. That's fair. Now, who lived at Arno
16 Drive?

17 A. Ma'am, I don't know who lived at Arno Drive.

18 Q. Okay. During your scope of your investigation, did
19 you ever obtain a lease regarding the rent on that
20 residence?

21 A. No, ma'am, because during the scope of my
22 investigation, that -- that property was vacated and it
23 wasn't used anymore. We didn't make -- I think we made one
24 buy there. When I came in to the investigation, then that
25 property became obsolete. We never dealt with it, had to go

1 back there anymore. We started dealing with Margaret Drive,
2 Summer Creek and Bear Island Road, and then various meeting
3 locations throughout the counties.

4 Q. There was some testimony from one of your key
5 witnesses, Craig Valentine, that he purchased drugs directly
6 from a man named Justin Hunter who he didn't even know.

7 A. I can tell you that Justin Hunter has been observed
8 going to that residence and leaving that residence and then
9 meeting us for a drug deal.

10 Q. Then the fact that you didn't get the proper
11 information about who was living there is not helpful to
12 this investigation, is it?

13 A. That property right there became kind of obsolete.
14 There were more properties coming up. They were moving
15 around. It didn't make sense at that time.

16 Q. Didn't make sense to you?

17 A. No, ma'am, because I was focusing on where he was
18 going.

19 Q. Okay. So when you do your investigation, you are
20 just focused on what you are focused on. And with regards
21 to who actually had dominion and control over Arno Drive
22 does not matter to you? Is that what you are telling us?

23 A. Who actually had dominion and control over Arno
24 Drive? I mean, it matters to me, ma'am. But it also has no
25 relevancy on what goes on there. I mean, you know -- I

1 mean, it does, but I also, through training and experience,
2 I know that drug traffickers usually don't put their names
3 on a lease, the same way they don't register their phone
4 numbers in their name, because this helps to avoid
5 detection. If I pull the lease and saw Justin Hunter's name
6 on there, I think he would be smart enough not to do that.

7 Q. Do you think he's smart enough to register a BMW in
8 his own name?

9 A. Shows that he did, ma'am.

10 Q. So you didn't even try, did you, to get a lease?

11 A. No, I did not.

12 Q. You didn't try to get a lease for Summer Creek
13 either, did you?

14 A. No, ma'am, I did not.

15 Q. And you didn't try to get a lease for these fine
16 apartments buildings, for example, [REDACTED] Bear Island Road?
17 You didn't find the lease for that?

18 A. We inquired about Bear Island Road. Detective
19 Lundberg inquired about that on his own.

20 Q. I am not asking you what he was told. That's
21 hearsay.

22 A. No, ma'am. They never gave us a piece of paper
23 about who lived there.

24 Q. What about Patriot Boulevard where you claim Justin
25 Hunter's wife lived, did you get a lease there?

1 A. No, ma'am. I believe that was his girlfriend. And
2 no, ma'am, I did not. But I can tell you that I've seen his
3 car parked out there many, many times.

4 Q. And you've seen many cars parked out there, haven't
5 you?

6 A. It's a parking lot.

7 Q. Exactly. It's a parking lot. So there's a BMW
8 parked out there, right?

9 A. With a tag on it that comes back directly to Justin
10 Hunter.

11 Q. Right. So he's not trying to hide the fact that he
12 owns a car, is he?

13 A. No, ma'am.

14 Q. Okay. Now, when your investigation focused on
15 Justin Hunter, you didn't have an identity of him until
16 March the 31st of 2016, correct? That's when Will Brown
17 picked him out of a photo lineup?

18 A. Ma'am, I ran his tag and was able to see,
19 obviously, he had those cars registered in his name. I then
20 ran his DMV from that customer number and was able to print
21 a picture out. And I met Mr. Hunter personally in February
22 of 2016. February 8th, I met him. I didn't need Mr. Will
23 to pick him out to tell me who he was.

24 Q. Then why did you do it?

25 A. To corroborate that Mr. Brown knew him.

1 Q. You went ahead and did a photo lineup that you
2 didn't really need to know because you already knew
3 Mr. Hunter, right?

4 A. Me and Mr. Brown weren't together every time that
5 Mr. Brown and Mr. Hunter hung out. Mr. Brown --

6 Q. Agent Wingo, will you listen to my question.

7 A. Yes, ma'am.

8 Q. I don't mean to interrupt you, but I'm trying to
9 get a point across. You made a photo lineup with Justin
10 Hunter's picture in it?

11 A. Yes, ma'am.

12 Q. And you showed it to Will Brown, who already knew
13 Justin Hunter, right?

14 A. Yes, ma'am.

15 Q. Okay. And the reason that he knew him is that he
16 was acquainted with him; isn't that right?

17 A. Yes, ma'am.

18 Q. And you did that, but you didn't go get leases for
19 any of these residences? That's all I'm asking.

20 A. I showed Will Brown a photo lineup, that's correct.

21 Q. Now, do you know the relationship between Justin
22 Hunter and Lassain Johnson as far as whether or not they are
23 related?

24 A. No, ma'am.

25 Q. Did you ask anybody?

1 A. No, ma'am.

2 Q. What about the relationship between Justin Hunter
3 and Rosemarie Quezada, do you know anything about their
4 relationship?

5 A. No, ma'am.

6 Q. All right. Do you know whether or not Justin
7 Hunter had more than one girlfriend?

8 A. I'm not investigating his personal life, ma'am.

9 Q. You did investigate a girlfriend. What's her name?

10 A. I didn't investigate a girlfriend. I met Ms.
11 Serrano when I executed that search warrants.

12 Q. And you went into her house, correct?

13 A. With a search warrant.

14 Q. Right. And, therefore, you investigated her,
15 correct?

16 A. Sure.

17 Q. All right. And you said that she is his
18 girlfriend; is that right?

19 A. He said that she's his girlfriend.

20 Q. Okay. So he told you that she was his girlfriend?

21 A. That's correct.

22 Q. All right. Now, did Rosemarie Quezada say that she
23 was Lassain Johnson's girlfriend?

24 A. Rosemarie Quezada wouldn't talk to anybody.

25 Q. So you didn't find it important to find out whether

1 or not any of these people were related by blood or
2 marriage?

3 A. No, ma'am, I did not.

4 Q. Okay. Were you involved in the decision about
5 whether or not to pursue Will Brown's charges?

6 A. Those decisions were left to Mr. Underwood. He's
7 the prosecutor.

8 Q. Okay.

9 A. I provided him with the facts and he makes the
10 decision.

11 Q. All right. So did Mr. Underwood make the decision
12 as to whether or not you should interview Mr. Will Brown?

13 A. No, ma'am, Mr. Underwood didn't make that decision.
14 Mr. Brown was cooperating and so I made that decision to
15 interview him.

16 Q. Okay. That's what I was asking.

17 A. I made that decision to interview Mr. Brown, yes,
18 ma'am.

19 Q. Okay. All right. That's good. Did you -- you
20 stated that at the day of February 8th, when you finally met
21 Justin Hunter, that you put him into Lundberg's truck; is
22 that correct?

23 A. Front seat of Lundberg's truck, yes, ma'am.

24 Q. And did you put him in handcuffs?

25 A. Yes, ma'am, because Mr. Hunter --

1 Q. Squared up, is what you said?

2 A. That's right.

3 Q. Okay. That's the reason you put him in handcuffs,
4 is that your testimony?

5 A. Yeah, ma'am.

6 Q. And when you put him in Mr. Lundberg's truck, you
7 put him in the front seat, right?

8 A. Yes, ma'am. And I climbed in the back behind
9 him.

10 Q. All right. At the time you took his personal
11 items -- let me back up. Did you search him after you
12 handcuffed him?

13 A. For officer's safety, he was given a pat-down. He
14 had his wallet and phones on him. He then was placed in the
15 handcuffs and put in the front seat of Detective Lundberg's
16 truck.

17 Q. So you removed his personal effects or personal
18 items from his pockets, right?

19 A. He may have had them in his hands. He was getting
20 in his car.

21 Q. So you removed these personal items from his
22 pockets or out of his hands getting out of his car, right?

23 A. He was being placed in the investigative detention
24 for officer safety reasons. These items were --

25 Q. I understand that.

1 A. Yes, ma'am. Yes, ma'am. Sure. I wouldn't say --
2 yes, ma'am, I did.

3 Q. Okay. Did you search the BMW?

4 A. No, ma'am, I was interviewing Mr. Hunter.

5 Q. Somebody else searched the BMW?

6 A. That responsibility was given to Special Agent
7 Wells and his team.

8 Q. And you said that they arrived in an Audi?

9 A. Yes, ma'am. That Audi -- I think the model is an
10 A4, I think. I'm not 100 percent sure. I would have to
11 refer to my notes.

12 Q. I think there's something in evidence that lists
13 him as an owner of an Audi 84; is that right?

14 A. Yes, ma'am, it's on that DMV.

15 Q. Right, right here. Do you need to look at this?

16 A. No, ma'am, I've seen this.

17 Q. So they arrived in the Audi, he and his girlfriend
18 and a child, right?

19 A. Yes, ma'am.

20 Q. Did you instruct somebody to search the Audi?

21 A. Ma'am, my role in this was, I approached
22 Mr. Hunter, and then I left that area where the Audi -- the
23 BMW and all that were, and I drove to the top of the parking
24 lot. I can tell you that that Audi and that BMW were both
25 seized and are sitting in an impound lot right now.

1 Q. Very good. Now, did you instruct somebody to
2 search the Audi?

3 A. I was not on that scene.

4 Q. Okay. So, no, you did not?

5 A. That's correct.

6 Q. And Jason Wells would have been the one that was
7 the team leader for that particular residence, right?

8 A. That was his assigned position, yes, ma'am.

9 Q. Did he provide you with any paperwork regarding the
10 items that were collected and where they were found?

11 A. Yes, ma'am. He wrote a report and submitted it to
12 the case file.

13 Q. Do you have it with you? Agent Wingo, will you
14 look through that -- let me ask the question first. And if
15 you need to refresh your memory, please do look through
16 that.

17 A. Yes, ma'am. Thank you.

18 Q. Will you look in there and see if -- look at the
19 listed items on there and see if it designates which
20 documents were found in the BMW or the Audi?

21 A. Ma'am, it just says miscellaneous papers were
22 collected. Again, I was interviewing Mr. Hunter.

23 Q. Okay. Regarding the miscellaneous papers found,
24 these -- this is the paperwork that was found in the
25 Victoria's Secret bag. I'm talking about anything out of

1 the car.

2 A. During the investigation, Hunter provided --

3 Q. I am not asking you to read it. I'm just asking --

4 A. Some miscellaneous papers were collected from the
5 vehicle.

6 Q. Does it say which one?

7 A. Search silver BMW, so miscellaneous papers were
8 collected from the vehicle.

9 Q. Did it say anything about the Audi?

10 A. No, ma'am, does not.

11 Q. There's a lot of testimony about text messages.

12 A. Yes, ma'am.

13 Q. These were text messages that were made by Tommy;
14 is that right?

15 A. To?

16 Q. To anyone during the controlled buys.

17 A. Yes, ma'am.

18 Q. Okay. Did you instruct him what to say in the text
19 messages?

20 A. I didn't specifically instruct Tommy what to say,
21 because I am not familiar with the language with buying
22 heroin, but I monitored what Tommy said.

23 Q. And explain what you mean by monitored what he said
24 in his text messages.

25 A. I write it down.

1 Q. You wrote it down?

2 A. It should be on -- I know I would document it on
3 surveillance report, either what Tommy said, what Tommy
4 text, or sometimes I put what he said.

5 Q. Did you ever document what he texted after he left
6 residences?

7 A. Like when he was with me?

8 Q. Let me build this up.

9 A. Yes, ma'am.

10 Q. Tommy goes in to make a buy at the house or
11 trailer.

12 A. While he's working for me?

13 Q. While he's working to you.

14 A. Yeah, ma'am.

15 Q. After he gets the drugs and goes back to the truck,
16 do you know whether or not he texted anybody?

17 A. No, ma'am, I wasn't there.

18 Q. Okay. Because you can't hear a text over the wire,
19 can you?

20 A. No, ma'am, I cannot.

21 Q. And you didn't review his telephone, did you?

22 A. He was under control of Detective Allen. I did not
23 personally review his phone.

24 Q. All right. Did you have the ability to take
25 photographs with your cell phone like you did with this

1 video of a gray BMW at the McDonald's? You had the ability
2 to take pictures and video?

3 A. Yes, ma'am.

4 Q. Okay. And the only video that you took was at the
5 McDonald's of the gray BMW leaving McDonald's?

6 A. Yes, ma'am, it was directly in front of me.

7 Q. And the most amount of heroin that was purchased
8 during this organization was 21 grams; is that right,
9 purchased from Keith LNU, last name unknown.

10 A. Was it 21 grams? I would have to refer to that lab
11 report, ma'am.

12 Q. And the purchase from Keith was controlled or
13 uncontrolled buy?

14 A. Ma'am, it was a controlled buy.

15 Q. And that was with State funds?

16 A. Yes, ma'am, it was.

17 Q. I'm probably wrong about the 21 grams, but I will
18 get to that. Do you remember how much you gave Tommy to
19 purchase heroin from Keith?

20 A. If you can show me my report, ma'am, I probably
21 could tell you.

22 Q. That's okay. So it's your theory that Justin
23 Hunter was the boss of this organization, or leader; is that
24 your theory?

25 A. Yes, ma'am.

1 Q. Okay. And he didn't wear a shirt or anything that
2 indicated that he was in charge, did he?

3 A. No, ma'am, he didn't.

4 Q. And in any of the videos that were recorded, is
5 there a clear picture of who Justin Hunter is?

6 A. No, ma'am, there's not a perfect video of who
7 Justin Hunter is.

8 Q. Clearly, you've had an opportunity to review all of
9 these way before this week, correct?

10 A. Yes, ma'am.

11 Q. You do have the ability to make still photographs
12 from video, don't you?

13 A. Yes, ma'am, I do.

14 Q. Did you even have one frame that you could freeze
15 that would indicate who Justin Hunter is?

16 A. Not from those videos, no, ma'am.

17 Q. And when you put Justin Hunter into a truck and
18 drove him into another area of the apartment complex, did
19 you tell this jury that he started to cry?

20 A. I told this jury he became emotional, ma'am.

21 Q. And you said you got a statement from him?

22 A. Ma'am, I got a confession from him.

23 Q. I'm sorry. Let me rephrase that. You got a
24 confession from him?

25 A. Yes, ma'am.

1 Q. Did you get a confession from Will Brown?

2 A. Will Brown told me he sold heroin too.

3 Q. Okay. Did you get a confession from -- well,
4 anybody else you get a confession from?

5 A. Mr. Roberts refused to talk to law enforcement.
6 Mr. Johnson refused to talk to law enforcement. Ms. Quezada
7 refused to talk to law enforcement.

8 Q. Okay. So no other confessions, just Will Brown
9 and --

10 A. Justin Hunter.

11 Q. -- and Justin Hunter, right?

12 A. Yes, ma'am.

13 Q. All right. Now, you say you read him his rights,
14 correct?

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

16 Q. And after you read him his rights, you said -- did
17 you say he waived his rights?

18 A. Ma'am, he did. He agreed to talk to us. He noted
19 that he understood those rights and that he agreed to talk
20 to us.

21 Q. All right. And did you give him an opportunity to
22 review his confession?

23 A. No, ma'am, I did not give him an opportunity to
24 review his confession.

25 Q. Did you record what he might have said to you at

1 any time in the truck?

2 A. Ma'am, SLED policy, through my training and
3 experience, we do not record interviews. Sometimes those
4 interviews can -- that person being interviewed could become
5 a confidential informant.

6 Q. Right.

7 A. And that may give their identity away.

8 Q. Okay. Now, I'm getting ready to wrap up, but I
9 really want to know more about your relationship with your
10 confidential informant Tommy.

11 A. In what regard, ma'am?

12 Q. I'm getting ready to ask. You said you weren't
13 going down the chain of this anarchy of heroin. You were
14 going to go up the chain; is that right?

15 A. Yes, ma'am, that's correct.

16 Q. And you were worried about Tommy Sekula's safety,
17 correct?

18 A. Yes, ma'am. He was under my control at the time.

19 Q. Okay. And did you ever sit and talk with him at
20 his home?

21 A. No, no, ma'am. I never picked Tommy up. Detective
22 Lundberg would always pick Tommy up.

23 Q. When were you made aware that Tommy was a heroin
24 addict?

25 A. Tommy admitted to me in his debrief that he was an

1 addict.

2 Q. All right. Did you offer Tommy some help for his
3 addiction?

4 A. No, ma'am, I didn't.

5 Q. And he worked for you for about six months?

6 A. Sure, yes, ma'am.

7 Q. September, October, November, December, January,
8 and February?

9 A. Yes, ma'am.

10 Q. Okay. During the six-month period, did you ever
11 see Tommy throw up?

12 A. No, ma'am.

13 Q. Did you ever see him have chills?

14 A. Actually, yes, ma'am, I did. When I was debriefing
15 Tommy, he was severely sick. I mean, he was sweating. He
16 was shaking. He was hurting really bad.

17 Q. Okay. That's when you were debriefing him in
18 October?

19 A. Yes, ma'am.

20 Q. Okay. And that was the only time you saw him sick,
21 correct?

22 A. That I can recall, yes, ma'am.

23 Q. Okay. And how many total buys did Tommy make for
24 you?

25 A. There were a number of them.

1 Q. Do you know how many total buys there were?

2 A. 1, 2, 3, 4, 5, 6, 7, 8, 11 --

3 Q. 11 buys over --

4 A. Yes.

5 Q. -- over a period of six months?

6 A. Yes, ma'am.

7 Q. That doesn't include what Detective Lundberg may
8 have done, right?

9 A. Before I got involved, yes, ma'am.

10 Q. You think Tommy Sekula was a reliable confidential
11 informant?

12 A. Yes, ma'am, I do.

13 Q. And do you think that he was using heroin when he
14 wasn't under your control?

15 A. Ma'am, I was not there. I can't say what Tommy did
16 or not when he wasn't under my control. I can only tell you
17 what Tommy did when he was under my control.

18 Q. When he was under your control, you knew what he
19 was doing because you saw him personally, right?

20 A. Yes, ma'am, he was doing a buy for me. He had
21 recording equipment on. He was with the police.

22 Q. Right. And prior to him meeting you at what he
23 calls a meet location, you don't know what he was doing, do
24 you?

25 A. Because I wasn't with him.

1 Q. Right. And then after the buy was good, according
2 to the undercover Agent Allen, the buys is good, or whatever
3 the word is, he left?

4 A. No, ma'am. He was taken back. We took -- he gave
5 the drugs to Detective Allen. He was taken back and
6 stripped searched to make sure there were no other drugs on
7 him. And then we took our equipment off of him, made sure
8 he didn't have any of our money that was left over. And he
9 provided me a statement. And Detective Lundberg took him
10 home.

11 Q. You are right. I stand corrected. I forgot about
12 that part. But after the strip search, Lundberg took him
13 home.

14 A. That's correct.

15 Q. And did Lundberg pick him up?

16 A. Yes, ma'am. Before the buys, Detective Lundberg
17 would pick him up.

18 Q. Oh. And after he got dropped off, after Lundberg
19 dropped him off, you don't know what he did, do you?

20 A. No, ma'am.

21 Q. There's an exhibit in here which is a photograph of
22 some money that was rolled up, I believe he got from Patriot
23 Boulevard. Do you remember that photograph?

24 A. I think they talked about it with Special Agent
25 Wells's testimony.

1 Q. Yeah, I think it was put on the screen. There was
2 like \$3,000 you said?

3 A. Yes, ma'am, I remember that.

4 Q. Okay. There was not one single marked bill in that
5 \$3,000 that came from the government, was there?

6 A. I don't think so, no, ma'am.

7 MS. JOHNS: Thank you. I don't have anything
8 further.

9 THE COURT: Any redirect?

10 MR. UNDERWOOD: Briefly, Your Honor.

11 THE COURT: You may proceed.

12 REDIRECT EXAMINATION

13 BY MR. UNDERWOOD:

14 Q. Agent Wingo, in the recorded phone calls with the
15 targets of controlled purchases, did the informant,
16 Mr. Sekula, ever use the names of the people he was talking
17 to?

18 A. He would use their nicknames.

19 Q. Did the people on the other end deny those
20 nicknames when they were asked who it was?

21 A. No, sir.

22 Q. Briefly, please explain how an investigation into
23 an organization functions in regards to how targets of that
24 investigation are decided upon?

25 A. When you conduct a large-scale investigation as

1 such, you are essentially trying to work to the top of the
2 chain. Cut the head off the snake is the term I believe
3 Detective Lundberg used. Basically, you are trying to get
4 to the point where you can cut off or pinch off the supplies
5 that's coming in. So you are constantly trying to work your
6 way towards the top guy. He's going to have the most drugs.
7 He's going to be supplying. He's kind of the boss. He's
8 the CEO. And you have your managers. And you come down and
9 you have like your shift supervisors. And then you just
10 have your employees. In this case, your employees would
11 kind of be your users. So you would take someone usually at
12 the -- I've done it where I started with an employee and
13 worked up. I started where you can start with the kind of
14 middleman, people who were buying and then reselling.

15 And then you start seeing who they have a
16 relationship, who they can purchase from. And then you
17 start picking targets and buying from them. Certain
18 occasions you approach that target and you say -- you ask
19 for their cooperation to see if you can climb to the next
20 level. Sometimes they cooperate and you go to the next
21 level. Sometimes your investigation ends right there.

22 Q. How does SLED measure success in those types of
23 investigations?

24 A. The ultimate way that SLED measures success is at
25 the end of the day, we are getting drugs off the street and

1 protecting the community. We are taking someone who is
2 fueling, in this case an addiction, and getting them off the
3 street. We -- you know, you have taken a piece of that
4 organization and removed them. I don't think SLED measures
5 success. I personally don't measure success in the amount
6 of drugs, oh, I got -- you know, the amount of drugs you
7 take off, just that I've taken someone that is pushing those
8 drugs out of the community.

9 Q. In regards to the confidential informant, Tommy
10 Sekula, are you familiar with what a person -- how a person
11 behaves and appears while they are high on heroin?

12 A. Somewhat, yes, sir.

13 Q. Did Tommy Sekula ever appear to be high during any
14 of your interactions with him?

15 A. No, sir.

16 MS. JOHNS: Objection, Your Honor.

17 MR. GRIFFITH: Objection, Your Honor.

18 THE COURT: Basis. Speculation, is it? What's the
19 basis?

20 MR. GRIFFITH: Speculative, Your Honor.

21 THE COURT: And your basis, Ms. Johns?

22 MS. JOHNS: I think I need to hear the question
23 again.

24 THE COURT: Can you repeat the question?

25 Q. Agent Wingo, did Thomas Sekula ever appear to be

1 high on heroin during any of your interactions of him?

2 THE COURT: What's the basis of the objection?

3 MS. JOHNS: I don't think he's qualified to answer
4 that.

5 MR. GRIFFITH: Calls for speculation on his part,
6 Your Honor.

7 THE COURT: Lack of foundation, speculation.
8 Sustained. Rephrase. Put it within his ambit of his
9 knowledge and rational perception.

10 BY MR. UNDERWOOD:

11 Q. Did you observe anything that made you think that
12 Tommy Sekula was high during your interactions with him?

13 A. No, sir.

14 Q. During your interactions with Mr. Sekula, did he
15 appear to understand what was happening?

16 A. Yes, sir.

17 Q. Was he coherent?

18 A. Yes, sir.

19 Q. What was his physical condition, as best you could
20 tell?

21 A. He was coherent. He was alert. He was up walking
22 around. He was engaging in conversation.

23 Q. Since the end of your part of the investigation,
24 have you had any subsequent discussions with Tommy Sekula?

25 A. I'm sorry. Can you repeat that question,

1 Mr. Underwood?

2 Q. Since you stopped using Mr. Sekula as a
3 confidential informant, have you had subsequent
4 conversations with him?

5 A. Yes, sir.

6 Q. And during any of those conversations, have you
7 discussed rehabilitation options with him?

8 A. Yes, sir.

9 Q. Are there any particular types of options that are
10 being pursued?

11 A. I think that Tommy is trying to get Tommy help,
12 yes, sir. He's talked about several, trying to check into
13 several rehab facilities.

14 Q. In regards to the photographic lineups that were
15 shown to William Brown, what is the purpose of showing
16 someone a photo lineup of a person who is a suspect?

17 A. To corroborate that they do know them.

18 Q. Did William Brown ever identify to you that he knew
19 the full name of Justin Hunter?

20 A. No, sir, he did not.

21 Q. Why would you show him at a photo lineup?

22 A. To show that we were talking about the same person.

23 Q. Did you ever -- during the course of this
24 investigation, were there any documents found to connect
25 Justin Hunter to the location on Arno?

1 A. I believe he had some documents in his car that
2 were to that address.

3 MR. UNDERWOOD: Permission to publish State's
4 Exhibit 138.

5 THE COURT: I think that's been admitted, hasn't
6 it?

7 MR. UNDERWOOD: Yes, Your Honor.

8 THE COURT: Yes, sir. Proceed.

9 BY MR. UNDERWOOD:

10 Q. Agent, what's the significance of this document?

11 A. It has the address of Arno -- it has the address of
12 Arno Drive on it.

13 Q. Where was this document recovered from?

14 A. In Mr. Hunter's car.

15 Q. Agent Wingo, were you in the courtroom when the
16 recording of the call that was sent to the controlled
17 purchases on October 28th was played?

18 A. In this courtroom, yes, sir.

19 Q. Did you recognize the voices of the individuals in
20 that?

21 A. Yes, sir, I did.

22 Q. Whose voices were they?

23 A. Mr. Hunter's and Mr. Sekula and I think
24 Mr. Lundberg prefaced it.

25 Q. What are you basing your identification of Mo's

1 voice on?

2 A. The interactions that I've had with him. I've also
3 listened to his jail phone calls.

4 MR. UNDERWOOD: Nothing further, Your Honor.

5 THE COURT: Sir, you may step down.

6 MR. GRIFFITH: Your Honor, I have a brief
7 follow-up.

8 THE COURT: I'm only allowing this one time. You
9 may proceed. Limited to redirect only.

10 RE CROSS-EXAMINATION

11 BY MR. GRIFFITH:

12 Q. You just mentioned you were asked if you had
13 subsequent contact and conversations with Tommy after you
14 used him as a confidential informant and you answered, yes,
15 you have. How many of those conferences did you have with
16 Tommy?

17 A. When Mr. Underwood prepared him for this trial.

18 Q. How many opportunities did you have to speak with
19 him prior to this trial and after he was used as a CI?

20 A. I mean, I had all the opportunities, but I did not
21 contact Mr. Sekula again until this trial.

22 Q. How many times did you talk to him before the
23 trial?

24 A. After he worked for me? Zero.

25 Q. By after he worked for you, I mean, do you mean

1 after you were done with him, or after the last time he
2 bought for you, how many times did you talk to him?

3 A. After the last time he bought from me, I didn't
4 talk to Tommy until I found out that we were going to trial.

5 Q. And then how many times did you talk to him after
6 you found out you were going to trial?

7 A. When Mr. Underwood prepped him, and then when --
8 Thommy doesn't have a ride, doesn't have a driver's license,
9 so somebody got to pick him up and take him back and forth
10 each morning.

11 Q. So you picked him up?

12 A. Not always. I picked him up one morning.

13 Q. And you would talk during that time?

14 A. Sure.

15 Q. That's correct. And you testified that Tommy did
16 not appear sick at all while you were using him as a CI. He
17 appeared sick, you said, the first time you interviewed him.
18 But after that, he did not appear sick; is that correct?

19 A. That's correct.

20 MR. GRIFFITH: That's all I have.

21 THE COURT: Any redirect as a result?

22 MR. UNDERWOOD: No, Your Honor.

23 THE COURT: Sir, you may step down. The State may
24 proceed.

25 MR. UNDERWOOD: The State rests, Your Honor.

1 THE COURT: Madam Forelady, ladies and gentlemen,
2 the State has rested their case. I have matters of law to
3 take up with counsel that will take the remainder of the
4 afternoon. So I'm going to excuse you for the remainder of
5 the afternoon. I anticipate we will have closing argument
6 and instruction in the morning. We may have a brief
7 witness, but I am not certain. But if not, again, we will
8 have closing argument and instruction.

9 I probably will arrange for your lunch to be
10 ordered, because by the time we finish closing argument and
11 instruction, if not lunchtime, it will be close to
12 lunchtime. So be prepared for your planning purposes.

13 I hope you have a great evening. Leave your
14 notepads in your seats and attach your tag to it. We will
15 secure those during the recess. Do not talk about the case
16 with anyone. Do not do any independent research on the
17 Internet. And do not read, watch or listen to media
18 accounts about this case. And don't have any contact with
19 anyone in or about the courthouse when you return in the
20 morning at 9:30. Have a good evening.

21 (Whereupon, the jury leaves open court at 4:09
22 p.m.)

23 THE COURT: All right. The State has rested their
24 case. Are there any motions, Mr. Griffith?

25 MR. GRIFFITH: None, Your Honor.

1 THE COURT: Are there any motions, Ms. Johns?

2 MS. JOHNS: Yes, Your Honor. Your Honor, at this
3 time, I would ask for a directed verdict on count six of the
4 indictment, distribution of methamphetamine. I think that
5 the State has failed to show the elements of this particular
6 count in regards to Justin Hunter. I believe the testimony
7 was about Rosemarie Quezada providing that dope to Tommy
8 Sekula or Tommy Sekula and the -- Mr. Hunter was nowhere
9 near that transaction. He could not have been in
10 constructive or actual possession of those drugs. And I
11 would move to have a directed verdict issued on that
12 count.

13 MR. UNDERWOOD: May it please the Court, Your
14 Honor. There was testimony --

15 THE COURT: I'm sorry. I should have said you may
16 respond instead of just looking at you like you have
17 telepathy or something. I apologize. You may proceed.

18 MR. UNDERWOOD: Thank you, Your Honor. There was
19 testimony provided in order to set up that transaction, a
20 contact was made with Justin Hunter's phone. And that is
21 how the deal was set up. Your Honor, the offense of
22 distribution of methamphetamine also includes, as part of
23 the elements, that one could commit that offense by aiding,
24 abetting, attempting or conspiring to distribute, dispense
25 or deliver methamphetamine. Evidence has been presented

1 that the jury could consider that Justin Hunter, through the
2 use of that phone and arranging the deal, did aid, abet,
3 attempt or conspire to deliver that methamphetamine.

4 So there is sufficient evidence for this case to go
5 to the jury. There's evidence that a transaction did take
6 place. There was a recording of an interaction with Ms.
7 Quezada. The drug evidence was tested and found to be
8 methamphetamine. Therefore, there is sufficient evidence
9 for this count to go before the jury. Again, the standard
10 is the existence of evidence, not the weight of the
11 evidence. And in the light most favorable to the State --

12 THE COURT: The distribution statute does not have
13 aid or abet. Only the trafficking statute has that
14 language. The distribution statute says that you have to
15 prove beyond a reasonable doubt that they distributed the
16 drug. And distribute means to deliver or to actually,
17 constructively or attempt to transfer a drug other than by
18 administering or dispensing.

19 Deliver means to actually, constructively or
20 attempt to transfer a drug. A transfer can involve an
21 exchange for money, a barter or a gift. There does not have
22 to be anything given in exchange for the drugs for the
23 transfer to constitute distribution.

24 However, the difficulty that you have, Ms. Johns,
25 is one of "hand of one is hand of all" theory when you are

1 dealing with both are aiding and abetting one another in a
2 criminal enterprise. I don't think you can separate a phone
3 call from actual consummation of the deal, where there's
4 been testimony that he was the one in charge of everything.

5 MS. JOHNS: There has been testimony about, Your
6 Honor, this is a specific conduct count. They have a
7 conspiracy count as count 1 --

8 THE COURT: How do I separate the phone call from
9 the drug transaction? It's all in one transaction.

10 MS. JOHNS: Because Mr. Hunter didn't have -- he
11 didn't have dominion and control over the drugs.

12 THE COURT: I don't think he has to. He does have
13 dominion and control if he's in charge.

14 MS. JOHNS: Well, if you are going to accept the
15 State's theory that he's in charge, but if a phone call is
16 placed and somebody else meets to do the distribution, that
17 doesn't make the person any more guilty because they
18 accommodated somebody.

19 THE COURT: That's not accommodation.

20 MS. JOHNS: Okay.

21 THE COURT: I think we know what an accommodation
22 sale is. And this doesn't fall into that heading. Most
23 people that accommodate sales use it themselves.

24 MS. JOHNS: I didn't mean to intend to use the
25 accomodation as a legal term. I withdraw that word. But I

1 think that because this requires a specific conduct, Your
2 Honor, regardless of whether or not Mr. Hunter was
3 contacted, they have not proven the identity of Mr. Hunter
4 on that phone call. And for that reason, on this --

5 THE COURT: Mr. Sekula said that was your client's
6 voice on the telephone and that's who he was talking to.

7 MS. JOHNS: Very well, Your Honor. Thank you.

8 And also --

9 MR. GRIFFITH: Your Honor --

10 THE COURT: I'm listening.

11 MS. JOHNS: Also, Your Honor, as to the rest of the
12 counts, I would be asking for a directed verdict on general
13 grounds.

14 THE COURT: I need you to be specific. I can't
15 rule on general grounds.

16 MS. JOHNS: I would ask that the count one through
17 five, I'm asking for a directed verdict based on the fact
18 that the State has failed to prove each and every element of
19 the crimes elicited in those counts one through five.

20 THE COURT: Is that your entire argument?

21 MS. JOHNS: Yes, Your Honor.

22 THE COURT: Okay. Would the State like to
23 respond.

24 MR. UNDERWOOD: Very briefly, Your Honor. In the
25 light most favorable to the State, we believe that

1 sufficient evidence has been put forward for each count,
2 Your Honor. For each count, there has been testimony
3 identifying the jurisdiction and venue of the transaction,
4 that transactions did, in fact, take place. Drug evidence
5 has been put into evidence and admitted. There's been
6 testimony that that drug evidence was, in fact, controlled
7 substances in question for each count.

8 As to the conspiracy, there has been ample
9 testimony there was, in fact, an organization known as The
10 Boys, that these individuals were working together with the
11 common goal of selling drugs, and that Justin Hunter was the
12 head of that organization. That very clearly falls into the
13 lines of a conspiracy. And in the light most favorable to
14 the State, there is sufficient evidence for these counts to
15 go to the jury.

16 THE COURT: Anything further, Ms. Johns?

17 MS. JOHNS: No, Your Honor.

18 THE COURT: Yes, sir, Mr. Griffith.

19 MR. GRIFFITH: Your Honor, I would join Ms. Johns
20 in asking for directed verdict as to all of the counts in
21 that the State has failed to prove the elements of each
22 count. But I would specifically ask for directed verdict as
23 to count 15, possession of a firearm during the commission
24 of or attempt to commit a violent crime. The State has
25 never shown during any of these sales that Mr. Roberts

1 possessed a firearm during any one of these, the commission
2 of any one of those crimes. So I would ask the Court for a
3 directed verdict on that count, Your Honor.

4 THE COURT: Would the State like to respond?

5 MR. UNDERWOOD: Yes, Your Honor. As Your Honor
6 recalls, during the execution of the search warrant at 116
7 Summer Creek, there was a firearm, a pistol that was located
8 in proximity to a trafficking amount of heroin. That was
9 within the constructive possession of Mr. Roberts. It was
10 his residence. He was present at that residence. And it
11 was a small residence. It was within a range where he could
12 very easily get to it. I believe that there is sufficient
13 information that a jury could infer that that was his
14 weapon, that he had constructive possession of it, and that
15 it was near those drugs and used to protect those drugs and
16 further the drug business, Your Honor. Therefore, I believe
17 the case should go to the jury.

18 THE COURT: Anything further, Mr. Griffith?

19 MR. GRIFFITH: Your Honor, if it please the Court,
20 the State, their witness, testified that Mr. Roberts was not
21 near that gun that was brought in to evidence, that
22 Mr. Brown was sitting on that couch. And so Mr. Roberts did
23 not -- and they failed to show that any of those guns were
24 ever actually used during the commission of the crime by
25 Mr. Roberts. And so I would just ask the Court for the

1 directed verdict, Your Honor.

2 THE COURT: Anything further? You get the last
3 say.

4 MR. UNDERWOOD: Thank you, Your Honor. I just
5 would point out that the statute for this offense does not
6 require that the firearm be used, simply that it be
7 possessed and that there be a nexus to that crime. The
8 weapon does not have to be fired at someone, for example.
9 The charge requires that the person have or display -- have
10 possession of or display a firearm during the commission of
11 that crime.

12 And possessing the amount of heroin concerned in
13 count 14, which relates to count 15, that trafficking is a
14 violent crime. Possessing that firearm while possessing
15 those drugs, that heroin, that does consist of possession of
16 a firearm during the commission of a violent crime.
17 Sufficient evidence has been presented for the jury to
18 consider that.

19 THE COURT: Considering the evidence in the light
20 most favorable to the State, the Court is concerned with the
21 existence or nonexistence of evidence and not its weight. I
22 will deal in the order that the motions were argued.

23 As regards to Ms. Johns's, I don't think you can
24 distinguish between a phone call that -- that's no different
25 than when you have people colluding together to kill someone

1 and one person lures the person to the location and then
2 leaves and is six miles away when they make the phone call
3 to lure the person into a trap. If that were the case, we
4 could never charge three people with murder. Doesn't stand
5 up to logic, because people collude and aid and abet one
6 another in a commission of a crime. That is why we have
7 that type of liability for crimes. Especially when you have
8 a continuum of a crime, where one person who, as the
9 testimony has been presented, is in charge of an enterprise.
10 And you come to a hub where things are established and set
11 up. And then somebody else consummates the deal. I don't
12 think you can separate those acts. And Mr. Hunter becomes
13 just as culpable as Mr. Quezada in that continuum of events.

14 Of course, you can argue that to the jury. Becomes
15 a factual issue and one of weight, but certainly not one
16 that would be dispositive in terms of a directed verdict
17 motion.

18 Again, the Court is concerned with the existence or
19 nonexistence of evidence and not its weight. The Court is
20 not required to find that the evidence infers guilt to the
21 execution of any other reasonable hypothesis. There's
22 certainly sufficient evidence in the record, both direct and
23 substantial circumstantial evidence, to reasonably prove the
24 guilt of the defendants.

25 Now, I'm a little concerned about the possession of

1 a weapon during the commission of a violent crime, but I
2 don't want to fall into the category of being the finder of
3 fact. Because, again, that's not my prerogative on directed
4 verdict. It is for the State to prove that there is, in
5 fact, a nexus between the gun and the actual criminal
6 activity. And the law does require that he have possession
7 of the weapon or that he reasonably or visibly display what
8 appeared to be a weapon, in this case a firearm, to be found
9 guilty of that offense. And the State has that burden
10 beyond a reasonable doubt.

11 And, certainly, Mr. Griffith, you can argue that
12 Mr. Brown had dominion and control over the weapon and not
13 your client. It becomes a factual issue for the jury to
14 resolve. And, therefore, that motion is denied as well.

15 I think that covers everything on directed verdict.

16 Sir, if you can stand for me, please, and raise
17 your right hand to be sworn so I can advise you of your
18 rights regarding testifying.

19 (Whereupon, the defendant is sworn.)

20 THE COURT: State your name for the record.

21 THE DEFENDANT: Emory Warren Roberts, Jr.

22 THE COURT: Mr. Roberts, I'm going to at this time
23 explain to you certain of your rights. We have reached the
24 stage of the trial where you may present your own defense.
25 And I need you to listen to me carefully. If there's some

1 right you need for me to explain in more detail, if there's
2 something you do not understand, please make me aware of it
3 so I can go back over it or ensure that you do understand
4 your rights as I am explaining them to you. Do you
5 understand?

6 THE DEFENDANT: Yes.

7 THE COURT: We have now reached the stage of the
8 trial where you may present your defense. Sir, you have the
9 right to claim the protections given to you by the Fifth
10 Amendment to the Constitution. And that amendment reads in
11 part that no person shall be compelled in any criminal case
12 to be a witness against himself. That means that you cannot
13 be compelled to testify in this case. You have the right to
14 remain silent and that right cannot be used against you.

15 This is a personal right. No one can make this
16 decision except you. You have the right to testify on your
17 own behalf, however, again, this is a personal right and no
18 one can make you testify. You can waive that right. If you
19 decide to testify, I need to advise you that you will be
20 subject to the same rules that govern other witnesses. You
21 can be examined and cross-examined on any issue in this
22 case. In addition, if you have any convictions involving
23 dishonesty or false statement for crimes punishable by
24 imprisonment for more than one year, and this Court
25 determines that the probative value of admitting this

1 evidence outweighs its prejudicial effect to you, the
2 solicitor will be able to introduce your record to attack
3 your credibility.

4 If you decide to testify, this decision on your
5 part must be made freely and voluntarily, knowingly and
6 intelligently, with knowledge of your protections under the
7 Fifth Amendment to both -- provided by both the United
8 States Constitution as well as by the South Carolina State
9 Constitution.

10 If you decide not to testify, I will instruct the
11 jury that they cannot consider this fact in any manner
12 whatsoever. I will instruct them that you have the
13 constitutional right to remain silent. I will instruct them
14 that you have the presumption of innocence, that no citizen
15 in this state is required to prove himself or herself
16 innocent, and that that assertion of your right cannot be
17 used against you, that the burden remains on the State to
18 prove your guilt to each and every element of every offense
19 beyond a reasonable doubt, and that the fact that you remain
20 silent is not to be discussed in any manner whatsoever
21 during their deliberations, and that there's to be no
22 inference from the fact that you did not testify. In other
23 words, they cannot infer that you have something to hide by
24 not testifying.

25 Sir, again, you can talk with your family members,

1 your friends or your attorneys, or your attorney, but the
2 decision, the final decision as to whether you should or
3 shouldn't testify is left entirely up to you. Do you
4 understand your rights as I've explained them to you?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Do you have any questions for me about
7 your rights as I've explained them to you?

8 THE DEFENDANT: No.

9 THE COURT: I want you to discuss thoroughly with
10 Mr. Griffith this afternoon, and if need be, in the morning
11 before you answer both my final questions. Okay?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. You may take your seat.

14 Mr. Griffith, do you have any questions for the
15 Court or anything you feel needs to be discussed in any
16 further detail or explained in any further detail to
17 Mr. Roberts before fully discussing with him whether he
18 should or should not testify?

19 MR. GRIFFITH: No, Your Honor. I believe we have
20 addressed it previously.

21 THE COURT: Okay. Now, if Mr. Roberts testifies,
22 will the State have any rebuttal testimony?

23 MR. UNDERWOOD: Your Honor, I think that might
24 depend on the nature of his testimony.

25 THE COURT: Worst-case scenario.

1 MR. UNDERWOOD: Possibly, yes, Your Honor.

2 THE COURT: How many?

3 MR. UNDERWOOD: Maybe two, Your Honor.

4 THE COURT: Okay. Just so you can discuss that
5 with him as well and what consequences that would have.

6 Now, as regards instructions, I will give the jury
7 a general instruction regarding their responsibility and my
8 responsibility, how they are to judge the credibility and
9 believability of witnesses, how they are to judge expert
10 witness testimony, how they are to consider the past record
11 of a witness, that being bearing on their credibility only,
12 and that they are competent to testify.

13 I will leave this in in the event -- and no harm,
14 no foul if Mr. Roberts should decide to testify. I will
15 instruct the jury regarding him not testifying and that
16 cannot be held against him.

17 I will also instruct that regarding an absent
18 defendant, that a defendant may be tried in his absence, but
19 that the jury cannot consider his absence against him in any
20 way or draw any inference from that.

21 I will instruct regarding direct and circumstantial
22 evidence. I will give a general instruction regarding the
23 charge, the arrest and the indictment not being evidence, as
24 well as on the presumption of innocence. I will instruct
25 *Victor v. Nebraska* regarding reasonable doubt.

1 I will then instruct the elements of trafficking,
2 which is 44-53-370, subsection (E)(3)(a). And the only
3 portion that is applicable to this case would be heroin,
4 which would be -- let's see. Each of the indictments allege
5 separate amounts, so each of those would be instructed for
6 Mr. Hunter. Under count one, that would be 28 or more
7 grams; count 2, 4 to 14 grams; count 3, 14 to 28 grams.

8 And as regards Mr. Roberts, count 1, 28 grams or
9 more; count 14, 4 to 14 grams. So that includes every
10 amount contemplated pursuant to the statute.

11 I will then instruct what actual possession means
12 and what constructive possession means. I will also define
13 for the jury what deliver and manufacture means. I will
14 then instruct the elements of conspiracy, which I think we
15 all know what those are.

16 I will then instruct distribution, which is
17 44-53-370(b)(1). There are no amounts applicable. Those
18 would cover count 4 and count 5 regarding Mr. Hunter; and
19 counts 11, 12, and 13 regarding Mr. Roberts.

20 I will then instruct distribution, which is
21 44-53-375, subsection (b), which is distribution of
22 methamphetamine, which is count 6 regarding Mr. Hunter.

23 I will then instruct possession of a weapon during
24 the commission or attempt to commit a violent crime, which
25 is 16-23-490, which is count 15 for Mr. Roberts. And

1 trafficking heroin is a violent crime as defined 16-1-6.

2 I will then instruct possession with intent to
3 distribute methamphetamine, also known as ice or crank,
4 which is 44-53-375(b) in count 16 as it applies to
5 Mr. Roberts.

6 I will then instruct accomplice liability, which is
7 hand of one is the hand of all, which elaborates on aiding
8 and abetting.

9 I will also give a general instruction regarding
10 identification testimony, as well as a general instruction
11 on mere presence.

12 I will also give a general instruction regarding
13 multiple charges, which is that each indictment has a
14 separate and distinct offense, that each on them must be
15 considered separately according to the law applicable to it,
16 uninfluenced by their addition on any other indictment and
17 that the defendants may be convicted or acquitted on any or
18 all of the offenses charged and that they will have to right
19 a separate verdict.

20 I will also give a general instruction regarding
21 punishment, because although the testimony that was
22 articulated by some of the witnesses dealt with the range of
23 penalty that would be applicable to the cooperating
24 witnesses, that punishment is still applicable to the
25 defendants. And I cannot run the risk of the jury without

1 instruction making a decision based on passion, prejudice,
2 sympathy or some other emotion that is not connected to the
3 evidence. And so I will instruct them that they are not to
4 consider any potential penalty a person can serve for a
5 crime, that their only function is in a fact-finding
6 province, and their own function is to determine whether the
7 State has met their burden of proof beyond a reasonable
8 doubt. And that punishment should not be considered in any
9 manner whatsoever in arriving at a fair and impartial
10 verdict regarding the defendants.

11 And then I will instruct on the forms of the
12 verdict.

13 Are there any exceptions to the charges as
14 proposed, from the State?

15 MR. UNDERWOOD: Just one question, Your Honor. As
16 to the elements of conspiracy, was the Court able to review
17 the State's request?

18 THE COURT: I did review yours, but I'm going to
19 use mine, which is a standard statement of the current law
20 regarding conspiracy. It's the same as yours, just
21 organized differently and I prefer mine. It's pretty much
22 the same, because conspiracy is conspiracy. It's almost the
23 same as hand of one in some ways. Uh-huh. Anything further
24 from the State?

25 MR. UNDERWOOD: Your Honor, the State would ask

1 that Tommy Sekula be released from his subpoena.

2 THE COURT: Any exception? Do you all plan to call
3 him?

4 MS. JOHNS: No, Your Honor, I don't.

5 MR. GRIFFITH: No.

6 THE COURT: So we can excuse him?

7 MS. JOHNS: Yes, Your Honor.

8 THE COURT: He's excused.

9 MR. UNDERWOOD: Thank you, Your Honor. All right.

10 THE COURT: And I had your request marked as a
11 Court's exhibit.

12 MR. UNDERWOOD: Thank you, Your Honor.

13 THE COURT: You're welcome.

14 Any exceptions from Mr. Griffith on behalf of
15 Mr. Roberts?

16 MR. GRIFFITH: No, Your Honor.

17 THE COURT: Any exception, Ms. Johns, on behalf of
18 Mr. Hunter?

19 MS. JOHNS: No, Your Honor. However, I do have a
20 request to charge, and I'm sorry I didn't put this in
21 written form, but I'm traveling. I would just ask the Court
22 to give a definition of accomplice, if is not within the
23 accomplice liability charge --

24 THE COURT: I think hand of one and aiding and
25 abetting and conspiracy says all that. I could -- I think