

VOLUME III 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 instructions define that.

2 MS. JOHNS: Okay. Thank you, Your Honor.

3 THE COURT: It deals with mere presence. It deals
4 with -- you have to be all in. I mean, that you are a part
5 of the enterprise, you were part of the discussion, whether
6 passively or actively, and that you were involved in it in
7 some way. I am not being articulate as I would like, but I
8 think we know what accomplice liability is and what
9 conspiracy is. And I take my instruction straight from the
10 case law and I like them pretty straightforward.

11 MS. JOHNS: Thank you, Your Honor.

12 THE COURT: So I think it's pretty well-defined.
13 All right. Anything further that we need -- my clerk, I had
14 to send her. I'm Chief Judge for civil court. And I've got
15 a stack of stuff I need her to bring back to me. So I can
16 do that while the jury is deliberating. So she had to leave
17 a little early. And she did the verdict forms. And I
18 neglected to have her print them before she left to go back
19 to Charleston for me. So we will print those first thing in
20 the morning and let y'all review them.

21 MR. UNDERWOOD: Thank you, Your Honor.

22 THE COURT: And what I will do, though, is I will
23 have each separate count for each separate defendant. So it
24 will say count 1 as to Mr. Roberts, guilty or not guilty.
25 Count 1 as to Mr. Hunter, guilty or not guilty, and what

1 each count is for. It will enumerate each charge so that
2 there's no confusion.

3 MR. GRIFFITH: Thank you, Your Honor.

4 THE COURT: Okay? Anything else we need to handle?
5 Please make sure the court reporter has all the exhibits.
6 She will be very grateful. People tend to leave stuff on
7 tables and take it with them. So if you have anything you
8 need the give back to her, she would greatly appreciate it.
9 Because it's going to save us time. And you might want to
10 spend time this afternoon before you leave accounting for
11 everything. So when you get ready to make closing argument,
12 you will have then available to you on that table so we
13 don't have to spend an hour going through them before the
14 jury can begin their deliberations. To the extent you can
15 do that before you leave, I greatly appreciate it.

16 And, Mr. Griffith, I hope I've given you enough
17 time to talk to Mr. Roberts about if he wants to testify.
18 And I will ask the deputies to give you privacy and space so
19 they can talk.

20 MR. GRIFFITH: They have a room for me in the
21 morning, Your Honor.

22 THE COURT: So organized.

23 (Whereupon, the proceedings adjourned for the day.)

24 (Whereupon, the trial continues on July 28, 2017.)

25 THE COURT: The State ready to proceed?

1 MR. UNDERWOOD: One moment. I almost have the
2 exhibits organized.

3 MR. UNDERWOOD: All exhibits are accounted for?

4 MR. GRIFFITH: Yes, sir.

5 We did talk.

6 MS. JOHNS: Yes, Your Honor.

7 THE COURT: Mr. Roberts, if you stand up for me,
8 sir. I will remind you you are still under oath. Have you
9 had a full opportunity to discuss with your lawyer whether
10 you should or should not testify?

11 MR. ROBERTS: Yes, Your Honor.

12 THE COURT: Do you have any questions regarding
13 your rights?

14 MR. ROBERTS: No.

15 THE COURT: Do you need to speak with your lawyer
16 any further about whether you should or should not testify?

17 MR. ROBERTS: No.

18 THE COURT: And, sir, do you wish to testify?

19 MR. ROBERTS: No.

20 THE COURT: Okay. You can take your seat. All
21 right.

22 So what we will do is, I will -- and I assume you
23 have nothing -- I assume, Mr. Griffith, other than your
24 client, you would have nothing to present?

25 MR. GRIFFITH: No, Your Honor.

1 THE COURT: And Ms. Johns, I assume you have
2 nothing to present; is that likewise correct?

3 MS. JOHNS: It is correct.

4 THE COURT: Okay. If y'all would -- I'm going to
5 glance at these verdict forms right quick and have my clerk
6 print them so you can review them. And then we will allow
7 both defendants to rest. I will reserve motions and we will
8 proceed with closing arguments.

9 Are there any exception, from the State?

10 MR. UNDERWOOD: None, Your Honor.

11 THE COURT: From the defense?

12 MR. GRIFFITH: No, Your Honor.

13 MS. JOHNS: No, Your Honor.

14 THE COURT: We need to some fix scrivener's errors,
15 but is there any exceptions to proceeding? The verdict
16 forms are cut and dry.

17 MR. UNDERWOOD: No, Your Honor.

18 MS. JOHNS: No, Your Honor.

19 THE COURT: Please bring in the jury.

20 (Whereupon, the jury returns to open court at 9:38
21 a.m.)

22 THE COURT: Good morning, ladies and gentlemen. I
23 hope everyone had a pleasant evening. We are now going to
24 resume with the trial.

25 Mr. Griffith, on behalf of Mr. Roberts, you may

1 proceed.

2 MR. GRIFFITH: Your Honor, the defense rests.

3 THE COURT: Thank you. And, Ms. Johns, on behalf
4 of Mr. Hunter.

5 MS. JOHNS: Your Honor, the defense rests as
6 well.

7 THE COURT: We'll reserve motions.

8 Ladies and gentlemen, both the State and the
9 defense have rested their cases. We are now proceeding to
10 the part of the trial where we will have closing arguments
11 and instruction. I would ask that you give counsel your
12 undivided attention in this process.

13 You may proceed, Mr. Underwood.

14 MR. UNDERWOOD: Thank you, Your Honor. May it
15 please the Court.

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

17 MR. UNDERWOOD: This trial was about more than one
18 or two drug dealers. This trial was about the prosecution
19 of the business of trafficking drugs, especially heroin.
20 This case is not about one or two street pushers standing on
21 the corner. This case is about an organization, an
22 organization that went by the name of The Boys, a drug
23 trafficking organization that sold heroin throughout
24 Berkeley, Dorchester and touching into Charleston Counties,
25 an organization that was funneling this terrible substance

1 from the state of New York to our state of South Carolina.

2 This case is not about, unfortunately, the people
3 that are affected by this conduct. It's about the people
4 who are committing this conduct. You've heard testimony
5 from three individuals who had inside knowledge of this
6 organization.

7 You've had information from Will Brown. Will
8 Brown, the guy that just needed somewhere to lay his head at
9 night, who ended up staying with a guy he met on the street
10 who wanted to breed some pit bulls. He had him living with
11 him. And after a period of time, got into his business,
12 helped him out a little bit. But what was it that Will
13 Brown told you? He didn't do anything on his own. He did
14 what he was told. Doing what you are told shows the fact
15 that, obviously, that means people are in charge. That
16 means there's organization.

17 He told you about how people would come to Emory
18 Roberts's house. And if Emory Roberts wasn't home, there
19 were instructions left for Will Brown to serve those people.
20 And by "serve them" that means he would sell them heroin for
21 the deals that Emory Roberts set up. He would sell them the
22 amounts and at the prices that he was told by Emory Roberts.
23 And this happened over an expansive period of time.

24 You heard from Craig Valentine, a self-admitted and
25 unfortunate heroin addict. He made it very clear that there

1 was some structure to this group. He told you how he got
2 involved with heroin. He told you that he had never had
3 heroin before, not until Bianca took him to, who? Justin
4 Hunter. The very first time he had heroin was when he was
5 taken to Justin Hunter, person he knew as Mo.

6 Now, ladies and gentlemen, he also told you how he
7 continued to go back for more heroin from them, because he
8 was an addict. He had to go every day. And after a period
9 of time from going to one location at Arno, then he started
10 going to another location over in Ladson, the house of Emory
11 Roberts. Sometimes he would call and Mo would tell him to
12 go to Emory Roberts's house. And he would split going back
13 and forth between those different locations to get his
14 heroin every day, just about every day, at least a gram up
15 to an eight-ball, which is three and a half grams. And why
16 did he have to keep going? Because he was an addict.

17 Why was it important to know to him who Mo was, who
18 Q was, where they were? Because that's where he would have
19 to get his supply, so that he wouldn't be sick from
20 withdrawal. He was trapped in his addiction. And he was
21 trapped because, on one unfortunate day, he was taken to
22 Justin Gordon Hunter and got that first dose of heroin.

23 He also made it very clear that Justin Gordon
24 Hunter was in charge, that it was obvious who was calling
25 the shots. And, again, if someone is in charge, that means

1 there's organization. That means people are working towards
2 a common goal. If people are working towards a common goal,
3 they are coming into an agreement to carry on conduct that
4 is illegal. Ladies and gentlemen, that is a conspiracy.

5 The judge is going to give you a more full
6 explanation later, the full definition of a conspiracy.
7 But, remember, essentially, that's an agreement between two
8 or more people to combine together or have some mutual
9 understanding and intent to commit an unlawful act. In this
10 case, that conspiracy was to traffic heroin.

11 You also heard from Thomas Sekula, who when he
12 moved back to the Summerville area from Bluffton, had one
13 source for heroin. He told you who that source was. It was
14 The Boys, through Mo. He would call direct and then he got
15 another number, a dispatch number, the phone that got passed
16 around to the other people in this organization, to the rest
17 of The Boys. The way he described it was, he would call The
18 Boys, and whoever answered the phone would tell him where to
19 go. Why would they need to tell him where to go? Several
20 reasons. They had different locations. That's a way to
21 avoid detection from law enforcement. Again, another sign
22 of organization. They went to different locations because
23 there were different people involved. There were different
24 places where the drugs were kept. And depending on who had
25 drugs at the time, that's where he would go.

1 But the fact that he's calling up a dispatch number
2 and being told where to go, shows that there are multiple
3 people working together to make these drug sales happen.
4 Again, that is further evidence of a conspiracy. That is
5 what a conspiracy is.

6 And Mr. Sekula found himself in some trouble. In
7 order to support his habit, he was selling some of that
8 heroin that he was getting. And he got caught. He got
9 caught by the Dorchester County Sheriff's Office. And he
10 agreed to work for them because he wanted to do whatever he
11 could to get out of trouble. That is what it is.

12 Remember, ladies and gentlemen, upstanding citizens
13 can't just walk up to a drug house, walk in and buy some
14 drugs. In order to do that, you have to be in that world.
15 And that's why law enforcement has to use confidential
16 informants, who, unfortunately, are often in very dire
17 situations in their personal lives.

18 He became a confidential informant. And what do
19 they do with Mr. Sekula? They did controlled buys. They
20 would wire him up. They would take him to a location where
21 he would buy drugs from The Boys, many times in particular,
22 Emory Roberts and Justin Hunter, as well as a couple other
23 individuals.

24 They did a buy on August 7th going into the 8th in
25 Dorchester County on Margaret Street. On that day, they

1 bought what tested positive for one plus grams of heroin. 1
2 gram of heroin that was tested. And there was another half
3 gram that wasn't tested because they met their threshold at
4 the lab.

5 They did another buy August 11th of 2015, again,
6 Dorchester County. They bought 3.41 grams.

7 Again, August 17th, they go back and they buy five
8 grams.

9 August 27th, they buy another 1.45 grams of heroin.

10 September 9th, they go again, and they get 1.28
11 grams of heroin.

12 September 16th, they go one more time. They buy
13 more heroin that tested positive at the lab. The part that
14 was tested was .92 grams. They met their threshold, so they
15 stopped testing, but what was left was another .526 grams.

16 Remember the testimony at that point, Dorchester
17 County realized, there's a whole other side to this. We are
18 only able to deal with what's going on in Dorchester County.
19 Dorchester County has a very limited budget. They can't go
20 into Berkeley County and buy larger amounts of drugs. So
21 what do they do? They ask for help. They needed help from
22 SLED, State Law Enforcement Division.

23 So Special Agent Wingo becomes involved. He comes
24 down and then he starts working with them as well. They
25 start to make more buys.

1 On September 23rd, Special Agent Wingo is now
2 involved. They conducted a buy. And what did they buy?
3 7.1 grams of heroin. We've now moved up to a quarter of an
4 ounce.

5 September 25th, another individual who's in The
6 Boys, somebody that was known as G, later identified as
7 Lassain Johnson, they go to him and they purchase 6.92 grams
8 of heroin. Again, showing that this is a conspiracy. There
9 are more than one person involved. We will talk more about
10 Mr. Johnson in a little while.

11 September 30th, 2015, they wire Mr. Sekula again.
12 He goes to meet with Justin Hunter. And what happens? He
13 buys 13.96 grams of heroin from Mr. Hunter. That's
14 basically half an ounce.

15 October 28th, they use Mr. Sekula again. He goes
16 to meet Mr. Hunter again. You heard the recorded phone
17 call. He calls up that particular phone number (843)
18 469 [REDACTED], says: Is this Mo? Person on the line doesn't
19 say, no, this isn't Mo, this somebody else. Is this Mo?
20 And they continue to set up a deal. What happened at that
21 deal? Tommy Sekula bought just over half an ounce, 14.03
22 grams.

23 December 14th, they take Mr. Sekula again to meet
24 with Justin Hunter. This time I believe it was at the
25 Walmart in Summerville. He gets in the car, does the deal,

1 comes out with what? 3.3 grams of heroin.

2 January 7th, 2016, now, they set up another
3 controlled buy. This time the person that actually makes
4 the delivery here, we are talking about Emory Roberts. He
5 goes to the new location over at Summer Creek. Goes into
6 that trailer, deals with Mr. Roberts, and comes out with
7 3.38 grams of heroin.

8 January 14th, 2016, another controlled buy with
9 Justin Hunter. This time for 3.45 grams of heroin.

10 January 19th, 2016, they set up a deal with Q,
11 Emory Roberts. Mr. Sekula is taken to the trailer at 116
12 Summer Creek. But when he gets there, Q isn't there. Will
13 Brown is there. And Will Brown gives Mr. Sekula the drugs
14 that were set up in the transaction. Why? Because that's
15 what Will Brown was told to do. At that time he was keeping
16 his dog there and he had to do what he had to do to stay in
17 the good graces of Emory Roberts. And at that time, he did
18 what he was told, and he sold a little over an eight-ball to
19 Tommy Sekula. Substance that was tested was .95 grams. And
20 there's a gross weight of another 2.61 grams that wasn't
21 tested because of the threshold. Didn't really matter.

22 February 2nd, 2016, another buy with Emory Roberts.
23 This time for 3.35 grams of heroin.

24 Now, remember I said this is the business of
25 dealing drugs. What do successful businesses have to do to

1 be able to compete and thrive in society? They diversify.
2 And this drug trafficking organization was no different.
3 While they started out as primarily a heroin trafficking
4 organization, they would sell other drugs too.

5 You recall from the testimony, on February 3rd,
6 2016, a methamphetamine controlled buy was arranged. How
7 was it arranged? It was arranged by texting Justin Hunter's
8 phone number. Justin Hunter set up the deal and sent one of
9 his accomplices, one of his workers, Rosemarie Quezada, from
10 her apartment from [REDACTED] -- [REDACTED] Bear Island Road in
11 Summerville. She walked over to the shop center, Azalea
12 Shopping Center where Target and Kohls are, and delivered
13 methamphetamine to Thomas Sekula. And then walked back to
14 the apartment. All that under the guise, under the watchful
15 eyes of law enforcement. And she delivered .87 grams of
16 methamphetamine for Justin Hunter. Working together, he set
17 it up, told her how to make the delivery, and she did what
18 she was told.

19 Now, ladies and gentlemen, that wasn't the end of
20 this investigation. After law enforcement had gone
21 repeatedly to some of these locations, had seen what they
22 had seen, they obtained search warrants, search warrants for
23 Summer Creek, search warrants for the Bear Island Road
24 apartment where Rosemarie Quezada came from when she
25 delivered that methamphetamine, and from Justin Hunter's

1 residence at Patriot Boulevard.

2 Beginning with Summer Creek, they go to the
3 trailer, 116 Summer Creek, as Mr. Brown testified, he was
4 there. He was there in the living room, sitting down there,
5 I guess playing video games. And just as he's playing video
6 games, in comes the flash, and law enforcement comes in.
7 Everyone is detained for safety. And then they are able to
8 search the trailer. What do they find when they do that
9 search? Digital scales. They also find some marijuana and
10 they find some heroin. In this package here we have what
11 was tested 4.90 grams of heroin. Remember, they found it,
12 it was stuffed inside a bag of bags inside an air pump. And
13 this container here had or was tested 4.90 grams. The
14 remaining gross in this was 4.22 grams. So there's more
15 weight of substance that wasn't all tested because they
16 already met their threshold. But they did test 4.90 grams
17 of heroin.

18 And in this package was another 3.09 grams of
19 heroin. Not only was that heroin in there, they also found
20 1.65 grams of methamphetamine. Remember, for a business to
21 survive, it must diversify. Heroin and methamphetamine.
22 More than 7 grams of heroin, more than a gram of
23 methamphetamine, in whose house? Emory Roberts, his trailer
24 116 Summer Creek in Berkeley County.

25 What else was found in that house? They found a

1 gun staged on the couch. Now, Mr. Brown was at that
2 trailer too. Here's a closer picture of that gun.
3 Mr. Brown was at the trailer too. But you heard testimony
4 that The Boys dealt in guns, that they would take guns as
5 payment for drugs, and that they had plenty of guns. And
6 they would have guns around for protection from robbers.
7 Remember whose trailer this is. It's not Will Brown's
8 trailer. It's Emory Roberts's trailer. He's the one who
9 has control of what goes on in this trailer. There's been
10 no testimony at all, no evidence of Will Brown ever having a
11 gun. Ladies and gentlemen, this gun is Emory Roberts's gun,
12 put there in the trailer in very close proximity to where
13 his drugs were found on the kitchen table. As Agent Vasquez
14 described it, it's only a few feet away.

15 That wasn't the only -- I forgot, there was another
16 another buy they did on another individual named Keith.
17 There was a mention of someone named Keith throughout the
18 testimony. You heard about another buy going on with him
19 where they bought another 14.01 grams of heroin, another
20 half ounce of heroin. That means that this is an
21 organization that sells at least up to half an ounce at a
22 time, if not more.

23 But, ladies and gentlemen, you have to remember
24 something. All of these drugs right here, that's just the
25 time they got caught. These are the times that law

1 enforcement went and found them with the drugs and did the
2 controlled buys for the drugs. You heard testimony from
3 Will Brown, Tommy Sekula, from Craig Valentine, about
4 hundreds, hundreds of transactions. That is a lot of
5 heroin. That is not somebody that's just dabbling with a
6 hobby of selling a little bit of drugs. We are talking
7 about an organized group with large goals of selling lots of
8 drugs.

9 That wasn't the only search, at Summer Creek.
10 Remember I said they also did a search at the apartment on
11 Bear Island Road. What was found there? Another gram of
12 heroin, a little bit of marijuana, some methamphetamine,
13 methamphetamine being .65 grams, and when you combine those
14 packages together, over 100 grams of cocaine. Remember,
15 diversification. Have as many different drugs as you can to
16 make as much money as you can. And this was a business
17 interest. You can tell because what did the witnesses who
18 knew these people say when they were asked, did Mo ever use
19 drugs? No. Did Emory Roberts or Q, did he ever use drugs?
20 No. These defendants aren't drug users. They are
21 traffickers out for profit at the expense of the people who
22 are addicted to using these drugs.

23 During the search of [REDACTED] Bear Island Road, they
24 found other things as well. They found documents. And
25 surprisingly, or maybe not so surprisingly, they found

1 documents belonging to Justin Gordon Hunter. There's DMV
2 receipts, registration for his Audi. There's another piece
3 of mail from State Farm Insurance talking about his
4 different vehicles that he was insuring, the Audi, a 2007
5 BMW that you've heard about in the testimony, and a 2008
6 Mercedes, some more State Farm Insurance paperwork. And
7 notice, it's addressed to Justin Hunter at [REDACTED] Bear Island
8 Road, Apartment [REDACTED].

9 Now, he wasn't there when this search happened.
10 During the search, Rosemarie Quezada was there. And while
11 they were searching, Lassain Johnson, also known as G, he
12 showed up and put his key in the door. So then he was taken
13 into custody as well. Justin Hunter wasn't there, but,
14 surely, he's got a connection to this apartment and a
15 connection to those two people. These documents show that
16 they are working together.

17 Now, you should take interest in this. This
18 paperwork here addressed to both Justin Hunter and Lassain
19 Johnson where they were insuring a car together. There's
20 insurance cards to both Mr. Hunter and Lassain Johnson.
21 Obviously, these individuals know each other and have
22 dealings with each other if they are insuring vehicles
23 together, living at different places.

24 Now, during the testimony, you heard about a
25 location where drugs were being sold out of a trailer on

1 Arno Drive or Arno Road. Remember, law enforcement, while
2 they were searching the apartment at [REDACTED] Bear Island, they
3 found this cable bill for Lassain Johnson at Arno, the same
4 location where drugs were being sold by The Boys.

5 And more mail for Justin Hunter at the address of
6 [REDACTED] Bear Island Road, Apartment [REDACTED]. Mr. Hunter has got
7 more than one address. Why? Because that's how drug
8 operations work. You move your supply around. You have
9 people go to different locations to avoid detection and to
10 minimize losses. And here's one more piece of mail for
11 Mr. Hunter at Bear Island Road.

12 But they found more than mail. As to Mr. Hunter,
13 they found his United States passport. That is pretty
14 important paperwork to just leave lying around at some
15 random address. And, remember, several individuals who
16 dealt personally with Mr. Hunter identified this photograph
17 as Mo. Will Brown, who didn't know Justin Hunter's full
18 name, did a photographic lineup. And he was asked, do you
19 recognize in this lineup, and he says, yeah, that's Mo.

20 They also found Green Dot Gold cards, which you
21 heard testimony about how they are used to move money
22 without having cash so you can pay for suppliers and move
23 your money around. They found MoneyGram receipt stubs.
24 Again, another way to move money around without banks and
25 without exposing your cash.

1 But they didn't just find property of Lassain
2 Johnson and Rosemarie Quezada and Justin Hunter in that
3 apartment. They also found a TB Bank debit card for Emory
4 W. Roberts, Jr. They found a Social Security card for Emory
5 Roberts. They found Mr. Roberts's New York identification
6 cards. So that shows that Mr. Roberts has a connection to
7 this apartment as well. And that's pretty important
8 paperwork to be lying around in just a random person's
9 house.

10 What else was in that apartment? Digital scales,
11 blenders, grinders, sifters, cutting agents, stuff that you
12 would expect drug traffickers to have, items used in the
13 drug trafficking trade.

14 That wasn't the only search. Remember, we had
15 Summer Creek, we had Bear Island Road, and simultaneously,
16 they were also searching Mr. Hunter's apartment at [REDACTED]
17 Patriot Boulevard, Apartment [REDACTED]. What did they find there?
18 Well, they found several items of interest. You will
19 remember that they found digital scale at the master
20 bathroom sink next to a box of baggies, commonly used to
21 package heroin. They found this container which they sent
22 to the lab to be tested. And guess what they found on it?
23 Heroin residue. That shows that heroin had been stored in
24 that apartment, that this apartment was also related to the
25 drug activity that was going on.

1 And they also found -- it's little bit hard to see
2 in this bag -- among several other items, there was some
3 marijuana and some pills, but they found a digital scale.
4 And guess what was on that digital scale? More heroin
5 residue. It's been to the lab, heroin residue on a plastic
6 container and a digital scale found in Justin Hunter's
7 apartment. It's not a coincidence, ladies and gentlemen,
8 that Mr. Hunter has his paperwork associated at these other
9 people's houses, that he has drug paraphernalia, the trace
10 amounts of drugs at his own apartment, let alone these other
11 locations.

12 There may not be a good video image of Mr. Hunter's
13 face. It's his voice, which has been identified by several
14 people that would recognize his voice. We don't have a
15 picture, but we have a lot of testimony. We have his
16 documents all over the place associated with these people
17 that we do have pictures of. We have his voice. We have
18 drug residue in his apartment.

19 Now, you may recall that Special Agent Lundberg
20 testified that they did a trash pull at Mr. Hunter's
21 address. And one of the things they found was a piece of
22 junk mail from, where? [REDACTED] Bear Island Road, Apartment
23 [REDACTED]. So it's not like Rosemarie Quezada and Lassain Johnson
24 went and stole a bunch of Justin Hunter's stuff and took it
25 back to their apartment. He's got mail from there.

1 But back to the search warrant. Something else
2 that was found. A lot of cash, about \$3,000, as I recall.
3 What goes along with large amounts of cash? Well, something
4 that every household has, a rather heavy automatic money
5 counter, used for counting large amounts of currency, large
6 amounts of cash. Who deals in cash? Drug traffickers. You
7 don't write a check when you are going to your heroin
8 dealer. You don't use your debit card when you are going to
9 your heroin dealer. You deal with cash. So the people who
10 are at the top, who are collecting all of this cash, they
11 are going to need a money counter for all that money. The
12 guys at the bottom don't need it. It's where the money
13 filters up to the top, funnels to the top, that is where you
14 are going to need to have a money counter. And that was
15 found in Justin Hunter's apartment.

16 You may recall that during that search, while that
17 was going on, Special Agent Wingo and Dan Lundberg
18 approached Mr. Hunter. They Mirandized him. He agreed to
19 talk. And one of the things that he said in his confession
20 is that, yes, he would go to New York to purchase drugs from
21 a guy, I believe his name was Fresh. He would go to New
22 York and he would buy those drugs.

23 Now, also during that time, before I get to that,
24 some items were taken from his person upon his eventual
25 arrest, an iPhone and a little flip phone. Do you remember

1 you heard testimony about burner phones or drop phones. Got
2 a rather expensive, nice smartphone and a very inexpensive
3 flip phone, both on his person at the same time. You heard
4 testimony about these individuals having multiple numbers.
5 Well, Mr. Hunter had multiple phones.

6 He also had in his wallet another Green Dot Gold
7 card, one that looks just like the Green Dot Gold cards
8 found at Bear Island Road along with methamphetamine, heroin
9 and over 100 grams of cocaine. He also had a South Carolina
10 driver's license, which you compare that to the photo lineup
11 that Mr. Brown did when he was trying to identify the person
12 he knew as Mo or Just. Compare those pictures and judge for
13 yourself, who is being identified.

14 Now, I mentioned earlier that Mr. Hunter said that
15 he went to New York, that he would meet with someone named
16 Fresh, get his heroin, get another person, a female, to
17 bring that heroin back down to South Carolina for him so
18 that he wouldn't be caught with it. And in that confession,
19 you heard the testimony of Agent Wingo, he even said where
20 he would stay when he went to New York, that he would go to
21 the Gateway Inn. And what was found in his wallet? A
22 receipt for the Gateway Inn. And that receipt is dated
23 January 25th, of 2016. Now, you may recall that the last
24 time law enforcement did a controlled purchase of Justin
25 Hunter, that was for 3.45 grams of heroin, that was on

1 January 14th. So after they've done their last buy with him
2 using their documented government funds, what does he do?
3 He goes to New York, less than about 10 days later. And he
4 said why he would go to New York; it was to get more heroin
5 from Fresh.

6 Some other documents that were found during that
7 search, this time coming out of Mr. Hunter's BMW, another
8 credit statement addressed to Justin Hunter at [REDACTED] Bear
9 Island Road, Apartment [REDACTED]. Again, this was found in his
10 vehicle, the same BMW that you heard testimony about, same
11 BMW that you saw on video. Another piece of mail addressed
12 to Mr. Hunter at [REDACTED] Bear Island Road, [REDACTED]. So that
13 connects Mr. Hunter to that location.

14 Also in there they found a court document.
15 Granted, it has someone else's name on it, but why would
16 Mr. Hunter have court documents for a trailer at [REDACTED] Arno
17 Drive if he didn't have some connection to that location?

18 You may recall that Lassain Johnson had a cable
19 bill to that address on Arno Drive. These individuals are
20 connected to that location. They are connected to what's
21 going on there, because they are The Boys. And they worked
22 together to traffic their drugs.

23 Mr. Hunter was connected to all of these locations.
24 You may recall there was testimony from Agent Wingo, for a
25 brief period of time they had a GPS tracker on his car. And

1 when reviewing that information, he went to Summer Creek and
2 he went to Bear Island Road. Now, at that point, you may
3 recall, you can put your little timeline together, that this
4 was in January of 2016, after Emory Roberts had moved his
5 dealing operation from Margaret Street over in Dorchester
6 County, he had then moved over to Summer Creek in Berkeley
7 County. And the GPS tracker has Mr. Hunter going there
8 multiple times.

9 Now, a very important piece of information came out
10 in Mr. Hunter's confession. He gave his identifying contact
11 information to Special Agent Wingo. And he said his phone
12 number was (843) 469-██████. You may recall on October 28th,
13 2015, law enforcement purchased 14.03 grams. The phone
14 number that they called to set that up to the person that
15 was addressed at Mo, was 843-469-██████. So that phone number
16 is directly connected to this heroin. It's directly
17 connected to Mr. Hunter by his own admission.

18 And let's go back to that trash pull. Now, it's a
19 little bit hard to see on this projection. But on this
20 Western Union receipt, Justin Hunter and the phone number
21 (843) 469-██████ And the same on this receipt. That one is
22 a little bit easier to see. That's Mr. Hunter's phone
23 number. He's the one on those calls. He's the one on those
24 recordings selling heroin. It traces back to his apartment
25 at Patriot Boulevard.

1 Now, in the videos, one in particular on that same
2 date of October 28th, you can see a BMW. In prior
3 transactions, there was also another BMW. Agent Wingo
4 testified about that. During these different drug
5 transactions, as there were multiple, they were able to get
6 license plates from those BMWs. According to the DMV,
7 Mr. Hunter had an Audi A4, a BMW 5 Series and a BMW 7 Series
8 with the same license plates that Agent Wingo testified were
9 on the BMWs seen during these drug transactions. It was his
10 car, his phone, his voice, his drugs.

11 They say that a picture is worth a thousand words.
12 If there's a picture of Justin Hunter, that would be worth
13 more than a thousand dollars about him. But we don't have
14 that picture. But we have 999 more things showing that
15 Justin Hunter is the person who was selling this heroin, who
16 was in charge of this drug trafficking organization called
17 The Boys.

18 Now, ladies and gentlemen, soon you are going to be
19 beginning your deliberations. When you do that, you have a
20 number of different counts that you will need to consider.
21 There are multiple controlled purchases for which Mr. Hunter
22 and Mr. Roberts are charged. I've laid the drug evidence
23 out right here by date.

24 THE COURT: Mr. Underwood, let me interrupt you one
25 second. We need to take a courtesy break for one of the

1 parties. Ladies and gentlemen, we apologize for the
2 interruption. If you would leave your notebooks in your
3 seats and please do not discuss the case. You should be out
4 less than two minutes.

5 (Whereupon, the jury leaves open court at 10:27
6 a.m.)

7 THE COURT: We apologize, Mr. Underwood.
8 Mr. Roberts needed to go to the restroom urgently.

9 MR. ROBERTS: It's been 20 minutes.

10 THE COURT: That's okay. As soon as he's done, we
11 will resume argument.

12 (Whereupon, recess transpired.)

13 THE COURT: Are we ready to resume?

14 MR. UNDERWOOD: Yes, Your Honor.

15 THE COURT: Please bring in the jury.

16 (Whereupon, the jury returns to open court at 10:34
17 a.m.)

18 THE COURT: Ladies and gentlemen, we appreciate
19 your indulgence.

20 Mr. Underwood, you may resume your argument.

21 MR. UNDERWOOD: Thank you, Your Honor.

22 THE COURT: You're welcome.

23 MR. UNDERWOOD: Ladies and gentlemen, as you are
24 soon about to go into your deliberations, there are numerous
25 different counts that you need to consider. I want to help

1 break that down for you just a little bit.

2 Under count two, Justin Hunter, also known as Mo,
3 is charged with trafficking heroin 4 to 14 grams. He's
4 accused of doing that in Berkeley County on September 30th,
5 2015. In this bag right here, is 13.96 grams of heroin.
6 That's between 4 and 14.

7 Count 3, Justin Hunter, also known as Mo, is
8 charged with trafficking 14 to 28 grams on October 28th,
9 2015. In this bag is 14.03 grams of heroin that Justin
10 Hunter sold to the confidential informant on that date.
11 That's more than 14.

12 Count 4, Justin Hunter is charged with distribution
13 of heroin on December 14th, 2015. In this bag is 3.30 grams
14 of heroin that Justin Hunter sold to the confidential
15 informant on that date.

16 Count 5, distribution of heroin, Justin Hunter is
17 accused on January 14th of selling heroin. In this bag
18 right here, 3.45 grams of heroin sold by Justin Hunter to a
19 confidential informant.

20 Count 6, distribution of methamphetamine, that
21 Justin Hunter, along with his accomplice Rosemarie Quezada,
22 did sell methamphetamine on February 3rd, 2016. This bag
23 right here is that methamphetamine sold to the confidential
24 informant by Rosemarie Quezada under the direction of Justin
25 Hunter.

1 Count 11, distribution of heroin, on January 7th,
2 2016, Emory Roberts, also known as Q, did distribute heroin.
3 In this bag right here, 3.38 grams of heroin, sold by Emory
4 Roberts to a confidential informant.

5 Count 12, that Emory Roberts, along with Will
6 Brown, distributed heroin on January 19th, 2016. This bag
7 right here is the heroin that Will Brown gave to the
8 confidential informant at the direction of Emory Roberts.
9 And, again, that was tested positive for heroin.

10 February 2nd, 2016, Emory Roberts is charged with
11 another count of distribution of heroin. This bag right
12 here has 3.35 grams of heroin that Emory Roberts sold to the
13 confidential informant.

14 Count 14, on February 8th, Emory Warren Roberts
15 trafficked heroin 4 to 14 grams and was in possession of a
16 firearm during the commission of or attempt to commit a
17 violent crime. Ladies and gentlemen, down here we have more
18 than 14 grams of heroin into these bags that were found in
19 Emory Roberts's trailer while he was there at 116 Summer
20 Creek. During the search warrant on February 8th, 2016,
21 found in close proximity to that, was this gun. It's Emory
22 Roberts's trailer. It's his drugs. It's his gun.

23 Count 16, possession with intent to distribute
24 methamphetamine. On February 8th 2016, Emory Roberts did
25 possess with intent to distribute methamphetamine. That is

1 also in these bags down here from that same search at 116
2 Summer Creek. They found heroin and methamphetamine all in
3 close proximity to Mr. Roberts's gun.

4 Now, there's one more charge that you will need to
5 consider, and that's count 1. That's trafficking more than
6 28 grams of heroin by way of a conspiracy. Now, I've told
7 you a little bit about how conspiracy works and what it is.
8 But this charge encompasses the agreement that these
9 individuals entered into to traffic heroin, that they agreed
10 to combine together to sell more than 28 grams of heroin.

11 Their connections are quite clear from all of the
12 documents that you have seen, the testimony and the
13 recordings of shared phone numbers, people having
14 connections to these addresses that were being used to
15 stash, or sell houses. When it comes to the weight, this is
16 the weight of the entire conspiracy. And the threshold is
17 28 grams or more, meaning that you would need to find that
18 they agreed to sell 28 grams or more of heroin as a joint
19 venture.

20 Ladies and gentlemen, there is somewhere in the
21 neighborhood of at least 100 grams right in front of you.
22 And that's just what they were caught with. That's not what
23 they agreed to do when law enforcement wasn't looking. That
24 wasn't the hundreds of drug transactions that you heard
25 testimony about from the addicts that relied upon The Boys

1 to supply them with their heroin.

2 Ladies and gentlemen, this was a drug trafficking
3 organization. These were individuals that worked together.
4 All of them are guilty of being in this conspiracy. And
5 each one of the individuals who had something to do with
6 these transactions are guilty of those transactions.

7 Now, we, the State, have that burden of proof that
8 we need to present you with sufficient evidence for you to
9 find beyond a reasonable doubt, a doubt that will leave you
10 firmly convinced that the defendants are guilty. Ladies and
11 gentlemen, we did not oversell our position. And we more
12 than delivered. You have the evidence before you. And I
13 ask that when you go in to complete your deliberations, that
14 you find the defendants Justin Hunter, also known as Mo, and
15 Emory Warren Roberts, also known as Q, guilty on all counts.

16 Thank you.

17 THE COURT: Mr. Griffith.

18 MR. GRIFFITH: If it please the Court.

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

20 MR. GRIFFITH: Thank you, Your Honor.

21 THE COURT: Yes, sir.

22 MR. GRIFFITH: Ladies and gentlemen of the jury,
23 first of all, thank you for sitting through this. I know
24 it's been a long week. And when I go home at night and I'm
25 tired, I'm sure you are too. First of all, thank you so

1 much for your service.

2 The State has put together a lot of information for
3 you to absorb, but I think I want you to consider that this
4 is about finding someone guilty beyond a reasonable doubt.
5 And if you can find that there is some doubt as to one,
6 more, or all of these charges, then you would need to find
7 that my client, Mr. Roberts -- this is Mr. Roberts, by the
8 way. That is not Mr. Hunter, that is Mr. Roberts -- is not
9 guilty if you can find that you do not have sufficient cause
10 to believe he's guilty beyond any reasonable doubt.

11 I want to talk about the people that testified
12 before you today. And I believe I spoke earlier and said I
13 had every respect for law enforcement. And their job is
14 tough. I don't want that job. And I certainly would not
15 want to be in positions that they are in many times. But at
16 the same time, they are human, as we are. And we never saw
17 any evidence that any of the agents from SLED walked into
18 any house, said that they bought something, and then walked
19 out. Instead, all the evidence that they presented was that
20 they were handling people who they had been caught with
21 drugs, who had a real incentive to keep out of trouble.
22 They were giving those people an opportunity to work off the
23 charges that may be brought against them and to do something
24 to keep those people, keep themselves, out of jail, or to
25 reduce the amount of time they might spend in jail.

1 Starting with the witness, Mr. Tommy Sekula. He
2 admitted and testified that he was brought in to this
3 because he was buying and selling drugs for himself and for
4 others. He had a lot of incentive to keep out of jail. And
5 he's doing pretty good at it. But during his testimony, the
6 State would put up a video. They would give him a date and
7 he would pare it back what seemed like a well-rehearsed list
8 of what happened that day. I can't tell you what happened
9 day before yesterday. But he could tell us exactly what
10 happened every single time.

11 He never, in any of those videos, refers to Emory
12 Roberts, Mr. Roberts. Sometimes you hear Q. Sometimes you
13 hear Will. But you never hear the name Emory Roberts. On
14 the record of the phone calls, on the recordings, you don't
15 hear the name of who answered the phone. And you definitely
16 never hear, "this is Emory Roberts". You don't hear it. We
17 don't hear the person identified as so.

18 Detective Allen, who was testifying that he was
19 there each time Tommy, Mr. Sekula, went to buy, he couldn't
20 remember what dates it was. He's a trained observer. He's
21 an investigator. He couldn't remember him. But Tommy,
22 after two years, wants us to believe that without any
23 coaching, he remembered every detail exactly.

24 Tommy also testified that it was not the same phone
25 that he called, the phone number he called every time.

1 There was not a phone that was passed around. There was no
2 conspiracy. There may have been different people from whom
3 he was buying drugs.

4 In none of the videos, not one, well, at least I
5 did not see any drugs change hands. I saw pictures of the
6 wall. I saw pictures of Mr. Sekula's nostrils one time when
7 he was in the car. I did not see any drugs pass between
8 hands, not one time. The State told us that they exchanged
9 drugs, but they never showed us any exchange of drugs.

10 The State hasn't shown that there were -- there was
11 a real organization, just individuals. Agent Wingo
12 mentioned that SLED agents had to transport Tommy everywhere
13 he went because he doesn't drive. And they talked, coached
14 him, and so when he got up, he knew exactly what to say.
15 Tommy admits he was an addict and he admits he is an addict.
16 And that he was taking drugs, he admitted on the stand,
17 between the controlled buys. And that when asked when was
18 the last time you took drugs, he did a little hesitation, I
19 don't know, a week ago. But, yet, when the detective told
20 us, yeah, yeah, he's seeing people who were coming down off
21 of drugs, they are very sick, people coming off of heroin,
22 throwing up, they are grabbing their stomach. Tommy never
23 appeared sick during any time, according to what the
24 detective told us. They said, no, they never seen him sick.
25 But Tommy, the detectives knew he was an addict. So they

1 knew because of their training. They are the ones that told
2 us what it's like when they come down.

3 He was high the whole time he was doing it. He
4 admitted he was taking drugs between. The whole time he was
5 buying for them, he was on drugs. Addicts, every family has
6 some in their family. I do. Perhaps some of you do. I
7 hope not. But here's the truth. Addicts will lie, steal,
8 cheat, do whatever it takes to get to their next high and to
9 stay high and to stay out of jail. So Tommy was very
10 practiced at what he needed to say when he came to this
11 courtroom.

12 Mr. Brown, when questioned by the State, at one
13 point, Mr. Brown, you heard him, he said, well, I don't know
14 how you want me to say it. The State told you during their
15 closing that Mr. Brown did what he was told when he was on
16 the stand. He was still doing what he was told. He also
17 said that he never sold more than a ball, which is 3.5
18 grams. There's no 28 grams coming out of Mr. Brown, who
19 they want to connect to my client, Mr. Roberts. He had lots
20 of opportunities, Mr. Brown, to meet with law enforcement
21 and go over his testimony or story. And it was a story. He
22 met with them on more than one occasion.

23 Detective Allen got on the stand. Laid-back
24 individual, it seemed to me, but a detective. But he could
25 not remember the dates or the places. And when he first

1 looked over at my client, Mr. Roberts, who he allegedly saw
2 more than once doing things as a focus of his investigation,
3 called him Mr. Hunter. And you heard it.

4 Mr. Valentine, Mr. Valentine is incarcerated right
5 now. He changed the dates from the time the State started
6 questioning him and even while they were questioning him.
7 And when I questioned him, he changed them again. Was it
8 2014? Was it 2015? Or when exactly was it. I was trying
9 to get those years or dates out of him, and he wouldn't
10 commit. Then when he was questioned again by Ms. Johns, he
11 change them again. He's currently in jail and will do
12 whatever he can to get out or to get a better deal.

13 The same is true of Mr. Tommy Sekula and Mr. Will
14 Brown. They want to spare themselves from being kept in
15 prison. Their testimony is unreliable and unbelievable,
16 because they are addicts. If you know any addicts, you know
17 you can tell when they are lying, because their lips are
18 moving.

19 The State did not fulfill either its burden to
20 prove a conspiracy. All of the evidence presented was
21 circumstantial. In some cases, some of the items you can
22 find in any kitchen. The State never proved that
23 Mr. Roberts possessed a burn phone, nor did they prove he
24 ever used one. They did not connect Mr. Roberts to that
25 telephone number he just called out. They did not connect

1 Mr. Roberts to a burn phone. We want to know when 28 grams
2 was sold. None of those bags contained 28 grams.

3 When he talked about Mr. Roberts and sales that may
4 have occurred out of his house, none of them came to any
5 amount like that. There was no reliable detective testimony
6 that they saw him handle any drugs at all. There was not a
7 detective that ever saw Mr. Roberts with drugs in his hand.

8 So how much heroin was being bought or sold? How
9 much really heroin was there? Special Agent Wingo read all
10 of these lab reports to us. And every time at the end he
11 said, well, the weight was so much and the confidence in the
12 weight was 97.7 percent. And when I asked him, well, does
13 that mean that's how much heroin? What is the amount of
14 heroin? He said, well, there was heroin found in the
15 sample, but it doesn't say how much heroin. It says the
16 weight of this whole sample was so much. Could have been
17 sand with four sprinkles of heroin in it. We don't know.
18 They are confident in the weight of the sample, but they did
19 not say the sample contained half heroin, one-quarter
20 heroin, one-eighth heroin, even 10 percent heroin. We don't
21 know.

22 So coming up with a number of 28 grams of heroin, I
23 don't know, you have to think about that. Because how much
24 of it was heroin? They didn't tell us. So they never
25 established how much actual heroin it was.

1 The State also never connected an unknown person,
2 Keith, to any of the others or to my client, Mr. Roberts,
3 other than he may have merely known them. These people may
4 have known each other. There are people in this group that
5 have been talked about that knew each other. That does not
6 mean that there's conspiracy between them. If I go down
7 Main Street and there are stores on both sides of the
8 street, there may be a shoe store on this side of the
9 street, may be a shoe store on down, couple other stores
10 here and there. All those guys know each other. They are
11 all selling stuff. But they don't have a conspiracy to sell
12 stuff. They just know each other and they are all selling
13 stuff. A conspiracy is a good bit more. When they came up
14 with the name The Boys, okay, where did they get that?

15 In a statement made by one of the defendants,
16 Mr. Hunter, he listed people he dealt with. The State told
17 us a list. Mr. Roberts, my client, was not on that list.

18 As to the charge of possession of a weapon during
19 the commission of a violent crime, in none of the videos did
20 we ever see Mr. Roberts with a weapon. Nope, not one. In
21 no testimony where these guys were saying we bought this
22 from these guys, did they say, well, of course, he pointed a
23 weapon. And the State says when they entered -- questioned
24 the detective, when they entered the trailer of Mr. Roberts,
25 they found a gun on the couch. Mr. Willie Brown testified

1 he was present when the officers came in. He also said that
2 he was sitting on the couch playing a video game. He also
3 said that Mr. Roberts was in a different room, not the room
4 where the gun was laying on the couch.

5 There's no evidence that Mr. Roberts committed a
6 crime while armed with a weapon. Emory Roberts was not the
7 only person found in the trailer when he was arrested. The
8 State did not show, besides the weapon, who brought the
9 drugs into the trailer or who owned those drugs or who --
10 they did not give any receipt saying that anybody owned that
11 gun.

12 Ladies and gentlemen, much of the evidence, as it
13 has to be sometimes, they just put together what they can,
14 but some of it is circumstantial. It's not beyond a
15 reasonable doubt. And we got to be careful. We can accuse
16 people of things. You could accuse me of something. I can
17 accuse you or your neighbors could accuse you of something,
18 but it has to be proven element by element every part beyond
19 a reasonable doubt. They may prove one thing, but if they
20 can't prove it all, you can't put somebody in jail just
21 because somebody says something. There has to be sufficient
22 proof beyond a reasonable doubt.

23 And I will close by saying, of course, it's your
24 decision, and I would want you to look at all of it and
25 consider whether you ever actually saw any drugs changing

1 hands, whether you knew who owned certain drugs or gun. And
2 when you make your decision, that you may find that there is
3 enough reasonable doubt to find Mr. Roberts not guilty of
4 the counts that are lined up against him. Thank you.

5 THE COURT: Ms. Johns.

6 MS. JOHNS: Thank you, Your Honor. May it please
7 the Court.

8 THE COURT: Yes, ma'am. You may proceed.

9 MS. JOHNS: This operation the government has
10 presented to you today lasted three to six months long. The
11 name of this operation should be called Operation Free Ride.
12 Come along with me, take a free ride, because the government
13 is in charge of this entire operation. It's in charge of
14 the decisions that they made. It's in charge of Tommy
15 Sekula. It's in charge of Will Brown. It's in charge of
16 Craig Valentine. The government is making the decisions
17 that they want you to decide upon. Anybody that was accused
18 in this case did not independently make a decision as to how
19 much dope they were going to buy. That decision was made by
20 the Government.

21 This case is based on what you could do for me, and
22 then I will tell you what I can do for you. That's just the
23 way it is in this drug trafficking world. You scratch my
24 back, I will scratch yours. What do you want me to say? I
25 will say whatever you want me to say so that I don't have to

1 go to jail, so that I can clear myself, so I can clear my
2 name, so I can get my next fix, so that I don't have to go
3 to jail, maybe I can get probation. I'm praying that my
4 charges are going to be dropped. I'm at your beck and call.
5 That's the organization.

6 This case that they present to you that they worked
7 on for six months is very, very simple to have proven. They
8 had everything at their disposal. They have the entire
9 Dorchester County Sheriff's Department helping them, granted
10 that they might not be as big as SLED. They have
11 multi-jurisdictional or multi-county jurisdiction. They
12 could have had the entire Berkeley County narcotics division
13 help them. They had the entire SLED division at their
14 disposal to help them with this case. They have all the
15 badges. They have all the orders. They have all the
16 motions. They have all the search warrants. They control
17 every single thing that they present to you in this case.
18 And there should be never any leaf left unturned, any stone
19 not looked under, any excuse for not providing you with the
20 organization necessary to convict any person of a crime.
21 There's no excuse.

22 Now, I believe that there was some commentary, and
23 I wanted to talk to you about some of these things that the
24 State is presenting to you that they want you to rest your
25 laurels on. The best thing that the government has going

1 for them is they've got a dedicated law enforcement team.
2 That's the best thing they've got going for them. And
3 nobody is perfect. No one is 100 percent perfect. I don't
4 expect anybody to ever be that way. If anybody is that way,
5 they are just not human beings, because human beings make
6 mistakes. My standard of my fellow man is not perfection.
7 My standard of my fellow man is, if you make a mistake, just
8 admit it and we can move on. We can deal with mistakes.

9 But you know what we can't deal with? We can't
10 deal with exaggeration. We can't deal with fabrication. We
11 can't deal with dishonesty. We can't deal with motives,
12 motive that will make you do something you would not
13 normally do. We should not deal with that kind of evidence.
14 And that is what they have.

15 Other than law enforcement, you have to look at
16 each and every one of these witnesses and you have to
17 determine, are they biased in this situation. Do they have
18 a motive? Do they have intent? Is their motive to walk
19 scot-free? Is their motive to ask for probation? If they
20 do a good enough job and get a conviction, they may never
21 get charged for being a drug dealer.

22 Who in this courtroom selected the name drug
23 dealer? Who decided who was a drug dealer and who was not a
24 drug dealer? The government did that. And what they told
25 you is that they want to bite the head off of the snake.

1 Well, you know, what, a snake's body can't live without its
2 head, but a snake's head can live without its body. So
3 however they want to dress it up for you, as long as there
4 is a demand, is there going to be a supply. You can't say
5 we are going to cut out the supply and the demand is going
6 to diminish. You just can't say that.

7 You've seen all these mom and pop stores around
8 town, eventually closing down to the big super power
9 Walmart. There's a demand for groceries. There's a demand
10 for goods, services. There's a demand for that. How are
11 you going to distinguish whether or not if you cut out
12 Walmart, then the other stores will flourish. Cut out the
13 other stores, Walmart is going to flourish. The supply and
14 demand argument leaves you with nothing to base your
15 decision on in this case.

16 Now, let's talk about this conspiracy, because this
17 conspiracy ups everything that was done in this case, with
18 the exception of Tommy Sekula buying drugs on the side,
19 getting high somewhere else with this friends, who he didn't
20 turn in, by the way. You know, here's a young white male
21 who had every opportunity in the world, just like everybody
22 else in this courtroom, went to college, was a manager at
23 Walmart, and comes in here with pathetic story that he had
24 his wisdom teeth pulled and he had to take pain medication
25 for that, and because of that, he got addicted to pills.

1 That is weak. That is the weakest excuse for making a bad
2 choice I've heard in a long time.

3 And when he started buying pain pills on the
4 street, do you think he still had pain from his wisdom teeth
5 being pulled? So when he was buying pills from the street,
6 these opiates, whose fault is that? Well, I guess whoever
7 is putting them in the market. Really? Because I don't see
8 you going off of the big pharmas, the people who are
9 producing the pain pills. I don't see you complaining about
10 that. They are the ones that's providing it to you. You
11 are the ones choosing to do it. What about them? Well,
12 it's their fault. Their fault because it's out there. I
13 had to get my wisdom teeth pulled and I got addicted, so I'm
14 going to blame them for that.

15 Oh, wait a minute, not only that, but I'm also
16 going to blame my friend or my cousin or my whoever that
17 provided these pills to me.

18 And then Matt Simpson, his dear friend, introduced
19 him to heroin. And at that moment, you have to make a
20 decision, just like the rest of us, as to whether or not you
21 are going to put a needle in your arm or not. And when you
22 do that and then you realize that you can't live without
23 that, what do you do? Well, didn't have a ride. Didn't
24 have any friends. I didn't have any family. Nobody cares
25 about me. I get sick. I'm a weak person. I can't make

1 decisions on my own. I have to be told what to do all the
2 time. And if that means that I have to lie, if I have to
3 steal, if I have to go take something that doesn't belong to
4 me and resell it, if I have to take in goods that were
5 stolen and get my girlfriend to pawn it, because pawn shops
6 and me don't work, that's what I'm going to do.

7 Government's told you, you know, we don't get to
8 pick who our criminals are. Yes, they do. We don't get to
9 pick who we have to put out there in the field to catch the
10 bad guys. Yes, they do. Tommy Sekula, his brother is in
11 prison. And a number of other people that he associated
12 with are bad guys. They are equally as bad guy as anybody
13 else they've accused. They are all drug dealers. Right?

14 Every one of these pieces of evidence up here of
15 drugs, every single one of them, I want you to ask yourself
16 this, did they bring you proof beyond a reasonable doubt
17 that they got those drugs from Justin Hunter? I am not
18 saying, do you think they got them from Justin Hunter. I'm
19 saying, do you know that beyond a reasonable doubt? Because
20 you are not allowed to speculate about that. You have to be
21 firmly convinced that they did.

22 And if a picture does tell a thousand words and
23 they give you 999 other words and they are missing one, then
24 it's not a picture of a thousand words. They've got 99
25 problems and a picture is one of them. But bringing a

1 reasonable doubt is not one of them. Right? Because let me
2 tell you, there are some so-called eyewitnesses in this
3 case. And out of those eyewitnesses, who can you trust?
4 They did the best they could by hanging a video recorded
5 wire on a drugged out, strung-out heroin addict, to go in
6 and make multiple buys from a person named Justin Hunter.

7 That's -- the people on the street want to call Mo.
8 What's in a name? Mo is a nickname. Tommy is a nickname.
9 Curly is a nickname. Larry, I mean, whatever. The nickname
10 is not necessarily the person. In fact, they even gave the
11 confidential informant a nickname. Is it against the law
12 for them to use a nickname? They have to prove that
13 whatever nickname belonged to whatever person. They
14 nicknamed their confidential informant Charlie. Charlie is
15 on the move. Charlie is doing this. Charlie is doing that.

16 But you know what Charlie didn't do for them? And
17 it's not his fault, right, because he doesn't know anything
18 about wires. They didn't capture the necessary picture in
19 order to convict Justin Hunter of anything. What are you
20 going to do? Oh, well, you know, sometimes that happens.
21 Not sometimes. Every single time that happened. Don't you
22 think that once they review the wire and the video, that
23 they would have at least tried to make an adjustment. Don't
24 you think they would have said, wow, you know, this is
25 really capturing that pickup truck across the street on this

1 Margaret Drive, maybe we should make some other
2 arrangements, to get something a little bit more reliable,
3 because we are not just going to rely on a heroin addict.
4 That's the whole reason for the wire. It's the entire
5 reason for it, is to identify the person selling drugs. Is
6 that hard to accomplish? The reason for the wire is because
7 Tommy Sekula is a drug addict and he can't be held
8 accountable because he's not trustworthy.

9 And you know what, with regard to whether or not
10 they knew you as a drug addict, he got sick one time
11 throwing up at the meet location, the meeting. They know
12 what heroin is. It's common knowledge that if you are a
13 heroin addict and you are not using, you are sick. You
14 heard it from two or three -- at least two witnesses,
15 flu-like symptoms, vomiting, chills, stomach cramps. And
16 you can't live very well like that.

17 So let's talk about who our eyewitnesses are with
18 regard to Justin Hunter, because that's who I represent. I
19 don't represent Q. I don't represent Lassain Johnson or
20 Rosemarie Quezada or whoever else. I represent Justin
21 Hunter. Let's start out with the eyewitnesses. The most
22 obvious alleged eyewitness is Tommy Sekula.

23 Now, to give Tommy Sekula credibility or to set up
24 some sort of basis for his testimony, he had to tell you
25 guys that he had infiltrated this group of The Boys. All

1 right. Tommy, well, who were The Boys? Well, there are a
2 bunch of them. Why don't you name them for me? Okay. He
3 sat up there. And I wrote them down: Munch, Black, Keith,
4 Jacob, Omar, Q, Chris, Cici, Oz, Mo, John, Shorty, BK, and
5 G, times two. That's who he said, those are The Boys. How
6 many is that? Well, I didn't count them. Out of those, we
7 had a Mo. We have a Q. He didn't even say G. G is Lassain
8 Johnson. What about Rosemarie, is she one of the boys?
9 She's Chica, Cici. So those make up The Boys.

10 And you know what he said. He said they are using
11 a phone as a hub. A phone, one phone as a hub, one phone or
12 one phone number? Because I'm going to show you something.
13 We got one, two, three, four, five, six, seven, eight, nine,
14 ten phones in this case, ten phones. And that's probably
15 not all of them, right? Because they didn't give you G's
16 phone. They didn't give you Rosemarie Quezada's phone.
17 They didn't even give you -- I don't know who else. They
18 didn't bring their phones in.

19 Do you know what they did bring in regarding
20 phones? Whose phone belonged to whom? And where are the
21 phone numbers? Where is the subscriber information? When
22 you go out and you ask AT&T or you ask Sprint or you ask
23 anybody else, hey, this is my phone, bill me for it, or this
24 is my phone, here, Sprint, I'm going to pre-pay you for the
25 services of this phone. They didn't even go out there and

1 go to those places and get the information for any of these
2 telephones to tell you who these phones belonged to, not
3 one. Not even a burner phone. Not even a smartphone. They
4 didn't bring to you the ownership of these phones. And we
5 all know how easy that is to do. If you've ever went and
6 paid a cell phone bill at the site, you know they can pull
7 off your subscriber information. You can pay your bill.
8 And they will give you a detail list of everybody you called
9 and everybody that called you if you ask for it.

10 So this hub phone that they had the number to, who
11 did it belong to? Did it belong to Keith? Did it belong to
12 Keith last name unknown? Did it belong to somebody whose
13 responsibility was Detective Lundberg, because that's
14 Detective Lundberg's case. That's not my case. My case
15 didn't start until September of 2015. So whatever he did
16 and whatever mistakes he made, it's not my fault. But when
17 you bring on a case, you become involved in the case, you
18 turn over that leaf. You find that rock. And you look
19 under it. Because the standard in this courtroom is not
20 maybe he did it, or if we put over 100 exhibits into
21 evidence, the amount of what we bring to the courtroom will
22 convince them that Justin Hunter is guilty.

23 Is the government just using people to make cases?
24 Are they interested in getting this off the street? And I
25 will submit to you, did they ever offer poor old Tommy

1 Sekula any help? They did. Let me tell you how. Listen,
2 you are going to become a confidential informant, and if you
3 don't, we are going to send you to jail. Because we know
4 you made four buys, at a Publix, at a convenience store with
5 a soda can, with a pack of gun. We do know that. So if you
6 don't, we are going to take away your liberty and we are
7 going to put you in jail. Because we got you, and you are
8 going to get somebody else. Do you think they cared about
9 Tommy Sekula? They don't care about Tommy Sekula. Don't
10 fall for it. If they cared about him and they cared about
11 what heroin was doing to this community, they would have
12 taken Tommy Sekula and they would have gotten him some help
13 at the time that this case was over. And if he was using,
14 they would have helped him out then too, perhaps some other
15 method, legal method, methadone, some sort of counseling,
16 however long it takes to detox. So they didn't do that,
17 because they don't care about that.

18 They let somebody that was high on heroin go in and
19 make these buys. And some of the buys only lasted two or
20 three minutes. And they want you to believe that they drove
21 right up to the house, dropped Tommy off, Tommy went in, got
22 the drugs and then jumped back in the truck. That's not how
23 it happened. You saw the video. They dropped him off way
24 down the street. And he was hustling getting in there. It
25 was hot. Gets in there, gets it, walks all the way back to

1 the truck. And you know the only other help they got him?
2 They went to pick him up from his home, they used him, and
3 then they dump him back out. Tommy Sekula, from his own
4 mouth, I'm between a rock and a hard place; a rock and a
5 hard place.

6 Craig Valentine, poor guy, his defense should be
7 affluency. You know, raised very well, went to school,
8 graduated, had some college, had a decent job. Guess what?
9 He had to have his wisdom teeth pulled too. I think
10 everybody that gets their wisdom teeth pulled are likely to
11 turn into a heroin addict. That's not true. He made a
12 choice. Do you know what his choice was last year or the
13 year before that? What can I do to get out of jail? And
14 they wanted him to be a confidential informant then. You
15 know what, he schmoozed his way out of it. He finagled his
16 way. He slipped. He's got a smart mouth on him. He has no
17 respect for anybody, not even himself.

18 And he came in here and he gave you bunch of
19 speculation, a bunch of conjecture, a bunch of -- well, you
20 know, I'm the one who is still in chains. But you know
21 what, he's not here out of the goodness of his heart. He
22 didn't come in here. He wasn't truthful to you. And you
23 can't trust him. Because you know why? You might one day
24 be a neighbor to his mother, and he will break into your
25 house and steal what doesn't belong to him so that he can

1 pay for his ever loving habit of using heroin. And he
2 admitted to that.

3 And he did get a break, because he got probation
4 this first time around. Maybe it was because he was smart
5 enough to pick the phone and reach out to law enforcement
6 and say, hey, I can help you out here. Did he take
7 advantage of the break he got? No. At one time, two days
8 after he got out of jail, he was back out there looking out
9 for himself. And he's looking out for himself on the
10 witness stand. So no matter what he says, it cannot be
11 believed because he has a motive and his motive is to break
12 those chains.

13 Do you think that if he comes back after being on
14 this witness stand, that his lawyer isn't going to stand in
15 front of another judge and say, guess what, Judge, he
16 assisted the government in the conviction of a large-scale
17 heroin trafficking organization. What do you think that
18 does? That mitigates his offenses. It excuses his
19 stealing, his lying, his cheating. And he's going to get
20 another break. And then you know what he's going to? He's
21 going to go out and buy more heroin. Do you know why you
22 know that? Because he's done it before and he's going to do
23 it again.

24 So Craig Valentine is not a witness to anything
25 Justin Hunter did. He's not an eyewitness to it. He can

1 tell you that, you know, he got his drugs from John F.
2 Kennedy, Jr. just as much as he can say he got his drugs
3 from Justin Hunter, because he's not a believable person to
4 be on the witness stand.

5 Now, Detective Allen with the Dorchester County
6 Police Department -- I'm sorry, Dorchester County Sheriff's
7 Office, came in here, said he was assisting SLED with all of
8 these buys. He was an eyewitness. He had as much potential
9 of seeing Justin Hunter in a gray BMW as who? As Agent
10 Wingo? He's there with the CI at the gas pump when Charlie
11 gets into a gray BMW and gets out. What did he do when he
12 came in here? Pointed to Justin Hunter, right there, next
13 to his lawyer. That's your eyewitness. Do you see the
14 defendant in the courtroom? Do you see Justin Hunter in the
15 courtroom? Yes, right there next to his lawyer. Oh, gee,
16 sorry, I was wrong. That's your eyewitness.

17 Do you know why he couldn't identify him? Because
18 he didn't see him. He did not see Justin Hunter in a BMW.
19 Yes, they came in here, they've proven the BMW was
20 registered to Justin Hunter. But did they prove to you that
21 Justin Hunter was driving this BMW?

22 They were going to talk about Tommy a/k/a Charlie
23 again, who is high, clearly buying heroin on the side. Did
24 Tommy get in here and tell you that besides the fact of
25 buying drugs from these people under a controlled purchase,

1 did he tell you who he was buying drugs from when they
2 weren't looking? Did he tell you that? If he's to be
3 trusted, he should have told you that. He didn't tell you
4 that because he didn't have tell you that because they
5 didn't tell him to tell you that. They only told him to
6 tell you that Justin Hunter was involved. And Tommy is
7 going to do what he's told. He did what he was told when he
8 got caught dealing heroin. He did what he was told when he
9 got wired. He did what he was told when he was strip
10 searched. He did what he was told when he met with the the
11 agents and the Attorney General's office to prepare for this
12 case. He did what he was told when he got on the witness
13 stand.

14 Is he going to get immunity? He's already got it.
15 Do you know what that does for your community? It puts
16 Tommy Sekula back on the street looking for heroin.
17 Congratulations.

18 Tommy Sekula -- and Craig Valentine is an
19 eyewitness. Detective Allen, obviously, wasn't paying
20 attention if he's going to point out Mr. Roberts as
21 Mr. Hunter. So we can't rely on his testimony. And we've
22 got Agent Wingo, who was in charge of the organization. And
23 he was getting gas one time and he used his cell phone one
24 time to capture, what, the movement of the gray BMW. He was
25 able to get a tag. One a temporary tag, two -- maybe didn't

1 even get the temporary tag number. Got a tag number. That
2 was it.

3 But you know what, there's another eyewitness in
4 this case, a very, very reliable eyewitness in this case
5 that the government didn't bring to you. And I'm sitting
6 there wondering why. Because I promise you, the better the
7 case the government has, the easier my job is. Do you know
8 why it's easy? Because, bam, there it is, the eyewitness
9 that you need, and there's no way out of this, no way out of
10 this for Justin Hunter at all. Do you know who that
11 eyewitness is? The eye in the sky. Where is the eye in the
12 sky in this case? The video surveillance from Sunoco gas
13 station, where is it? The video surveillance from
14 McDonald's who had video surveillance on the outside so that
15 they can help prosecute people who commit crimes on their
16 property. Robberies, assaults, whatever happens, the eye in
17 the sky at McDonald's, they have the ability to go in and
18 ask for the videos and the videos are so good. We see them
19 all the time.

20 Walmart Corporation, where Tommy worked, not only
21 do they have video surveillance, they have video cameras in
22 the parking lot. If you want to prove who is driving a car,
23 if you want to be on a video inside your car, you just drive
24 through Walmart parking lot or drive to the garden center,
25 because you will be captured. And you will be identified,

1 because the technology is that good. They didn't bring
2 that.

3 You know what else they didn't bring? They didn't
4 bring you any proof that Justin Hunter lived at any of those
5 places, not even Patriot Boulevard. He could have gone to
6 get a lease. Yeah, could have, but we didn't do it. Who
7 leased those houses for those people? G, Emory Roberts, had
8 paperwork in his own house. Is there any evidence Justin
9 Hunter lived there? No. You got some of Justin Hunter's
10 documents. Great. Is it illegal to have somebody else's
11 documents, even somebody else's passport? No. Do any of
12 you have important documents belong to your family members?
13 It's not against the law to be related to somebody or be a
14 friend with somebody.

15 And when they go to Justin Hunter's house, guess
16 what they get? They get this illegal machine that counts
17 money and they found a stack of \$3,000, \$1,000 each. This
18 you can buy anywhere, Office Depot, Staples, Amazon.com.
19 How much is it? Because you said it was expensive. Oh, I
20 really don't know how much it is. They are \$188 up to
21 whatever. And what money did it count? Did it count drug
22 money? They don't have proof of that. They found \$3,000.
23 Do they know what Viviana Serrano does for a living? Did
24 they even investigate that so they can eliminate the fact
25 that could have been her money? Did they eliminate the fact

1 that she could have been using that for her nail salon, or
2 whatever it was? No. Not important to them. They want you
3 to take it, though. They want you to take it all and say,
4 this proves that Justin Hunter is a drug dealer.

5 These little Tupperware things that they got from
6 Justin Hunter's house in the bathroom, these things right
7 here, what do they say? Trace level of heroin. Did they
8 find any substantial amount of heroin at Patriot Boulevard
9 where Viviana Serrano lived? No. Do you know what they did
10 find? They found some paperwork. They found some paperwork
11 that's got the name of some of these people on here. Maybe
12 it's up here. Anyway, it's blue. You will have it in there
13 with you. I think it's got the name of Ramel-somebody on
14 it. Oh, here it is. Huh, Ramel Brown at Arno Drive. Guess
15 who lived in that same neighborhood? Will Brown. Guess who
16 was staying there? Will Brown. Hmmm, could it be -- could
17 there be a relationship as to why this was found somewhere
18 around Justin Hunter, if Will Brown is a friend of his?

19 Will Brown, the young man that got up there and
20 said, is that what you want me to say? Am I saying what you
21 want me to say? Is my brother a drug dealer, because I
22 don't want that to happen. I'm looking for immunity. I'm
23 praying I get probation. Yeah, they came and charged me
24 because I was over at this trailer when the flashing lights
25 came, and I'm looking for immunity, I want to clear my name.

1 Could it be Ramel Brown wrote this note? Could it be?

2 Now, let's talk about theorizing. When Agent Wingo
3 went and had Patriot Boulevard under surveillance and he
4 sees a Justin Hunter pull up and get out of a car with
5 Vivianna Serrana and a young child, they approach him. And
6 he squares up, whatever that means. Does that mean he gets
7 frightened when law enforcement officers are coming towards
8 him? I would. I get frightened when I see blue lights in
9 my rearview mirror, and I am not even doing anything wrong.
10 I just start shaking. I pull over. Hopefully they go
11 around. Usually they do, because I'm driving too slow. So
12 is that normal behavior? Sure it is.

13 When they take Justin Hunter's personal belongings
14 away from him, which, by the way, was two cell phones, was
15 he carrying Vivianna's cell phone, because they didn't
16 introduce any of her cell phones. Were any of those cell
17 phones connected to anything in this case? Do they even
18 have a phone number for any of those cell phones? No. When
19 they take his personal items and they go through his wallet,
20 lo and behold, they find a receipt for a room that was
21 purchased 10 days beforehand in New York. Well, guess what,
22 ladies and gentlemen, birth place, Justin Hunter, New York,
23 USA. Do you think he has a mother or a father or children
24 his age that might live in New York, or he might have been
25 exercising some sort of visitation? They want you to

1 believe by exaggeration that the only purpose of going to
2 New York was to buy heroin. That is a leap of faith.

3 And you know what, just so happens that when Justin
4 Hunter gave a statement, he confessed to being in New York
5 and staying in this hotel. Had nothing to do with him
6 finding a receipt in his wallet. And he got emotional.
7 This is supposed to be the toughest guy in this DTO, drug
8 trafficking organization, and he cried. He got emotional.
9 This tough guy, the one in charge. How do you know he's in
10 charge? You can just tell he's in charge, just like I can
11 tell the judge is in charge in here.

12 Well, you know what? Judge is wearing a robe. And
13 you know who is in charge when you are in the police
14 station? The people wearing the badges. This tough guy
15 gets emotional and starts, I don't know, spilling his heart
16 out.

17 Just so happens that his phone number is a phone
18 number that they connect to these Western Union receipts.
19 And they connect the phone number to a buy back in October,
20 October the 28th of 2015. How do we know that somebody
21 didn't use Justin Hunter's phone number the same way that
22 somebody used Tommy Sekula's phone? When Tommy Sekula was
23 out looking for heroin and his friend who moved away took
24 his phone and called somebody, and that's how he got the
25 number to The Boys, how do we know that when this phone,

1 whether it was attached to Justin Hunter's hand or not,
2 could have been used by somebody else? We don't have any
3 proof that that phone was in the hands of Justin Hunter when
4 that call was made on October the 28th. You guys figure
5 that out beyond a reasonable doubt.

6 Speculation, supposition, exaggeration, all in an
7 effort to keep your streets clean. I don't envy you in this
8 case. I don't -- I wish it was clearcut. I wish it was cut
9 and dry. I wish the eye in the sky had come into this
10 courtroom to help you, because there's certain things in
11 this case that trouble me. And when it troubles me, I can
12 submit to you that to me, it makes me hesitate to act. I am
13 not firmly convinced that they've proven their case. Are
14 you?

15 Thank you for everything.

16 THE COURT: Madam Forelady, ladies and gentlemen,
17 I'm going to give you a brief restroom break. Y'all have
18 been sitting a considerable amount of time. And my jury
19 charges is probably about 35 minutes. During this break,
20 please do not discuss the case and please leave your
21 notepads in your seats. You will be out about ten minutes.

22 (Whereupon, the jury leaves open court at 11:52
23 a.m.)

24 THE COURT: If counsel could approach for me and
25 look at the verdict forms. And then I will give you an

1 opportunity to go to the restroom as well.

2 Any exception to the form of the verdicts regarding
3 Mr. Hunter, from Mr. Underwood?

4 MR. UNDERWOOD: None from the State, Your Honor.

5 THE COURT: Ms. Johns?

6 MS. JOHNS: No, Your Honor.

7 THE COURT: You need to go over those with him.

8 MR. UNDERWOOD: No exception from the State.

9 THE COURT: Any exceptions, Mr. Griffith?

10 MR. GRIFFITH: No, Your Honor.

11 THE COURT: Thank you all.

12 (Whereupon, a recess transpired.)

13 THE COURT: The State ready to proceed?

14 MR. UNDERWOOD: Your Honor, one matter concerning
15 the charge, I wanted to inquire for the Court. Does your
16 charge include language that any mixture of a substance that
17 contains a substance, that the entire mixture counts towards
18 the weight pursuant to *State v. Johnson*?

19 THE COURT: I don't make any charge that would
20 constitute a charge on the facts. And the case that you
21 state deals with a motion for directed verdict, not a jury
22 charge. It deals with the sufficiency of the evidence,
23 which is a matter of law for the court, no a jury.

24 My charge reflects exactly what the statute says,
25 which is the State must also prove beyond a reasonable doubt

1 that the amount of heroin or any mixture containing heroin
2 was -- and it states the amounts.

3 Anything further from the State before we
4 proceeding?

5 MR. UNDERWOOD: Nothing, Your Honor.

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

7 MR. GRIFFITH: No, Your Honor.

8 THE COURT: From the defense, Ms. Johns?

9 MS. JOHNS: No, Your Honor.

10 THE COURT: Let's proceed. If you can get the jury
11 for me.

12 (Whereupon, the jury returns to open court at 12:05
13 p.m.)

14 THE COURT: During this trial, ladies and
15 gentlemen, you and I have certain duties to perform. As the
16 trial judge, it is my responsibility to preside over the
17 trial of this case. I also have the duty to rule upon or
18 pass upon the admissibility of evidence, which has been
19 offered during this trial. You are to consider only the
20 competent evidence that is before you. And you are to
21 disregard and disabuse from your mind any testimony this
22 court has ordered stricken from the record in this case
23 during the progress of this trial, if there has been any.

24 You are to consider only the competent evidence
25 which has been presented from the witness stand, together

1 with any exhibits which have been made a part of the record
2 in this case and any stipulations of counsel made into the
3 record, if there have been any.

4 I also have the additional duty to charge or
5 instruct you to the law applicable to this case. As the
6 presiding judge, I'm the sole judge of the law of this case.
7 And it is your duty as jurors to accept and apply the law as
8 I now state it to you. If you have a preconceived idea as
9 to what the law is or what the law ought to be in a case or
10 in this case and it should not now agree with what I tell
11 you the law is, you are obligated under your oath to abandon
12 this preconception on your part. Because you are sworn to
13 accept the law and apply the law precisely as I now state it
14 to you.

15 In every case tried in this court before a jury,
16 the jury becomes the sole and exclusive judges of the facts.
17 You the jury are the judges of the fact in this case. The
18 Court is the judge of the law. The Constitution of our
19 state has declared that a trial judge shall not intimate,
20 state, comment upon or make any statement to a trial jury
21 about the facts in a case. Since you the jury are the sole
22 judges of the facts in this case, you are not to infer
23 anything from what I've said during the progress of this
24 trial and ruling upon the admissibility of evidence or
25 otherwise or anything that I say now to you during the

1 course of this instruction, that I have any opinion about
2 the facts. The law does not not allow me to have an opinion
3 about the facts. This is a matter solely for you the jury
4 to determine.

5 As jurors then, it is your duty, as I've
6 instructed, to determine the effect, the value, the weight
7 and the truth of the evidence presented during this trial.
8 Necessarily, you must assess the credibility of witnesses
9 who have testified in this case. Credibility is simply a
10 legalistic term meaning the believability of each witness
11 who has testified.

12 It becomes your duty as jurors to analyze and to
13 evaluate the evidence and determine that evidence which
14 convinces you. Some of the things you may consider as you
15 decide whether or not to believe the testimony of a
16 particular witness include, what was the manner and
17 appearance of the witness who testified? Was he or she
18 straightforward or hesitant in answering? Was the testimony
19 of a witness consistent or inconsistent? How did the
20 witness come to know the facts that he or she testified to,
21 or what was his or her ability to know these facts? Is
22 there some reason a witness would want to give testimony
23 which would help or hurt one side or the other? In other
24 words, was the witness biased or prejudiced? And was the
25 testimony of a witness strengthened or weakened by other

1 testimony or evidence?

2 I further instruct you that in determining the
3 question of the credibility or believability of witnesses
4 who have testified, you may believe one witness as against
5 several witnesses, or several witnesses as against one
6 witness. You may believe a part of the testimony of a
7 witness and reject the remaining part of the testimony of
8 that same witness. If you have a good and sound reason, you
9 may believe the testimony of a witness in its entirety or
10 reject the testimony of a witness in its entirety. Again, I
11 instruct you that you can believe as much or as little of
12 each witness's testimony as you think proper. You may
13 consider the demeanor of a witness, that is the manner and
14 appearance of the witness from the witness stand.

15 A person who has a past criminal record is
16 competent to testify during a trial. A past record does not
17 affect the ability of the witness to testify. The past
18 record may only be considered by you, if at all, in
19 determining the witness's believability. Remember, ladies
20 and gentlemen, you are the sole judges of facts in this case
21 and of the believability and credibility of any and all of
22 the witnesses who have testified.

23 I further instruct you that our rules of evidence
24 ordinarily do not permit witnesses to testify to opinions or
25 conclusions. An exception to this rule exists with

1 witnesses we call expert witnesses. A witness who by their
2 education, training and experience has become an expert in
3 some art, science, profession or calling may state an
4 opinion as to relevant and material matters in which the
5 witness claims to be an expert, and may also state the
6 reasons for the opinion. You should consider any expert
7 opinion received in evidence in this case like any other
8 evidence. Give it the weight you think it deserves.

9 If you decide that the opinion of an expert witness
10 is not based on sufficient education, training and
11 experience, or if you conclude that the reasons given in
12 support of the opinion are not sound, or that the opinion is
13 outweighed by other evidence, you may disregard the opinion
14 entirely. An expert witness's testimony is to be given no
15 greater weight than that of other witnesses simply because
16 the witness is an expert. Further, you are not required to
17 accept an expert's opinion even though it is not
18 contradicted.

19 I further instruct you, ladies and gentlemen, and
20 emphasize that the fact that the defendant did not testify
21 is not a factor to be considered by you in any way
22 whatsoever in your deliberation and in your consideration of
23 the fact of whether the State has met their burden of proof
24 in this case. It must not be considered by you in any
25 manner whatsoever. A defendant has the constitutional right

1 to remain silent. And the assertion of this right must not
2 be considered by you in your deliberations. I repeat, under
3 your oath, you are to draw absolutely no conclusion
4 whatsoever from the fact that the defendant in this case did
5 not testify. The fact that he did not testify is not to be
6 discussed in any manner whatsoever in the jury room. The
7 burden of proof, as I've stated to you, is on the State.
8 The defendant is not required to prove his innocence. The
9 burden of proof remains on the State to prove guilt beyond a
10 reasonable doubt.

11 I further instruct you that under our laws of this
12 state, a defendant may be tried even if the defendant does
13 not attend the trial. But the fact that the defendant is
14 not present may not be considered against the defendant in
15 any manner whatsoever.

16 Ladies and gentlemen, there are two types of
17 evidence which are generally presented during a trial,
18 direct evidence and circumstantial evidence. Direct
19 evidence is the testimony of a person who asserts or claims
20 to have knowledge of a fact, such as an eyewitness.

21 Circumstantial evidence is proof of a chain of
22 facts and circumstances indicating the existence of a fact.
23 The law makes absolutely no distinction between the weight
24 or value to be given to either direct or circumstantial
25 evidence, nor is a greater degree of certainty required of

1 circumstantial evidence than of direct evidence.

2 And as I've instructed, crimes may be proven by
3 circumstantial evidence. And, again, the law makes no
4 distinction between the weight or value to be given to
5 either direct or circumstantial evidence. However, to the
6 extent that the State relies on circumstantial evidence, all
7 of the circumstances must be consistent with each other, and
8 when taken together, point conclusively to the guilt of the
9 accused beyond a reasonable doubt. If these circumstances
10 merely portray the defendant's behavior as suspicious, the
11 proof has failed.

12 The State has the burden of proving the defendant
13 guilty beyond a reasonable doubt. This burden rests with
14 the State regardless of whether the State relies on direct
15 evidence, circumstantial evidence, or some combination of
16 the two.

17 Ladies and gentlemen, you should weigh all of the
18 evidence in this case. After weighing all of the evidence,
19 if you are not convinced of the guilt of the defendant
20 beyond a reasonable doubt, you must find the defendant not
21 guilty.

22 Conversely, if you are convinced of the guilt of
23 the defendant beyond a reasonable doubt, then you must find
24 him guilty.

25 I instruct you that the fact that the defendants

1 were arrested, charged and indicted in this case is not
2 evidence in this case and cannot be considered by you as
3 evidence of guilt in this case, nor does it create any
4 presumption or inference of guilt. This documentation,
5 ladies and gentlemen, are simply the formal written
6 instruments or instrument which contain the charge or
7 charges made against a defendant. It simply serves as the
8 formal documentation by which the case is processed or
9 brought in to this court.

10 The defendants have pled not guilty to the
11 indictments. And that plea casts the burden on the State to
12 prove the defendants guilty, because a person charged with
13 committing a criminal offense in South Carolina is never
14 required to prove himself innocent. I instruct you, Madam
15 Forelady, ladies and gentlemen, that it is a cardinal and
16 important rule of the evidence that a defendant in a
17 criminal trial, no matter what the seriousness of the charge
18 or charges made against him may be, will always be presumed
19 to be innocent of the crimes for which he is indicted unless
20 his guilt has been proven by evidence satisfying you of that
21 guilt beyond a reasonable doubt.

22 The presumption of innocence does not cease when
23 you retire to deliberate, but it accompanies the defendants
24 from the time of their appearance throughout the trial until
25 you reach a verdict in this case. Our Supreme Court has

1 said that the presumption of innocence is like a robe of
2 righteousness placed about the shoulders of the defendants.
3 And it remains with them and assigns them to that class of
4 the innocent until that presumptive robe of righteousness
5 has been stripped from their person by evidence satisfying
6 you of that guilt beyond a reasonable doubt.

7 The presumption of innocence is not mere legal
8 theory. It is not just a legal phrase. It a substantial
9 right to which every defendant is entitled unless you the
10 jury are satisfied from the evidence of guilt beyond a
11 reasonable doubt.

12 The State has the burden of proving the defendants
13 guilty beyond a reasonable doubt. Some of you may have
14 served as jurors in civil cases where you were told that it
15 is only necessary to prove that a fact is more likely true
16 than not true, such as by the greater weight or the
17 preponderance of the evidence.

18 In criminal cases, the State's proof must be more
19 powerful than that. It must be beyond a reasonable doubt.
20 Proof beyond a reasonable doubt is proof that leaves you
21 firmly convinced of the defendant's guilt. There are very
22 few things in this world that we know with absolute
23 certainty. And in criminal cases, the law does not require
24 proof that overcomes every possible doubt. If, based on
25 your consideration of the evidence, you are firmly convinced

1 that the defendants are guilty of the crimes charged, you
2 must find the defendants guilty.

3 If, on the other hand, you think there's a real
4 possibility that the defendants are not guilty, you must
5 give them the benefit of the doubt and find them not guilty.

6 The defendant Hunter, in counts one, two and three,
7 and Roberts in counts one and fourteen are charged with
8 trafficking. The defendants are charged with trafficking in
9 heroin. The State must prove beyond a reasonable doubt that
10 the defendants knowingly sold, manufactured, cultivated,
11 delivered, purchased, brought in to this state, provided
12 financial assistance, or otherwise aided, abetted, attempted
13 or conspired to sell, manufacture, cultivate, deliver,
14 purchase, or bring into this state, was knowingly in actual
15 or constructive possession, knowingly attempted to become in
16 actual or constructive possession of heroin.

17 The State must also prove beyond a reasonable doubt
18 that the amount of heroin or any mixture containing heroin
19 was 4 grams or more but less than 14 grams; 14 grams or more
20 but less than 28 grams; and 28 grams or more.

21 "Actual possession" means that the heroin was in
22 the actual physical custody of the defendants.

23 "Constructive possession" means that the defendant
24 had dominion and control or the right to exercise dominion
25 or control over either the heroin itself or the property of

1 which the heroin was found.

2 Mere presence at the scene where the drugs were
3 found is not enough to prove actual or constructive
4 possession. Actual knowledge of the presence of the heroin
5 is strong evidence of the defendant's intent to control its
6 disposition or use.

7 The defendant's knowledge and possession may be
8 inferred when a substance is found on the property under the
9 defendant's control. However, this inference is simply an
10 evidentiary fact to be taken into consideration by you,
11 along with the other evidence in this case, and to be given
12 the weight, value and effect you decide it should receive.

13 Two or more persons may have joint possession of a
14 drug. "To deliver" means to actually, constructively or
15 attempt to transfer the drug.

16 "Manufacture" means to produce, prepare, convert,
17 process, plant, cultivate, grow or harvest a drug naturally
18 or chemically.

19 "Manufacturing" includes any packagings or
20 repackaging of the drug or labeling or relabeling of the
21 drug's container.

22 In order to prove a conspiracy, the State must
23 prove beyond a reasonable doubt that the defendant combined
24 with one or more persons for the purpose of committing an
25 unlawful act or of committing a lawful act by unlawful

1 means. There must be a mutual understanding, agreement or
2 common intention and plan. Mere passive knowledge or
3 consent to the criminal conduct of another is not enough to
4 make a person a conspirator. There must be guilty knowledge
5 and participation.

6 Similarly, the mere fact that the defendant may
7 have associated with another person or met with another
8 person and discussed common names in interest, does not
9 necessarily establish proof of existence of a conspiracy or
10 that the defendant was involved in a conspiracy.

11 On the other hand, it is not necessary that the
12 agreement be a formal one, that it be in writing, that the
13 persons hold a meeting and expressly state the terms of the
14 common plan, or that the agreement be stated in words
15 between them. The agreement of a conspiracy may come into
16 being through an implied mutual understanding. The willful,
17 intentional and knowing adoption by two or more persons of a
18 common plan is sufficient.

19 Overt acts need not be shown to establish a
20 conspiracy. A conspiracy may be shown by circumstantial
21 evidence and the conduct of the parties. In order to
22 convict the defendants of conspiracy, the State must prove
23 beyond a reasonable doubt not only that the defendant or
24 defendants knew of the unlawful conduct, but that the
25 defendant or defendants agreed to combine with the other

1 person or persons for the purpose of accomplishing the
2 unlawful conduct.

3 The defendant Hunter in count 4 and count 5, and
4 Roberts in counts 11, 12 and 13, are charged with
5 distribution of heroin. The State must prove beyond a
6 reasonable doubt that the defendants distributed heroin.

7 "Distribute" means to deliver or to actually,
8 constructively or attempt to transfer a drug other than by
9 administering or dispensing.

10 "Deliver" means to actually, constructively or
11 attempt to transfer a drug. A transfer can involve an
12 exchange for money or barter or a gift. There does not have
13 to be anything given in exchange for the drugs for a
14 transfer to constitute distribution.

15 And in that count 6, the defendant Hunter is
16 charged with distribution of methamphetamine. The State
17 must prove beyond a reasonable doubt that the defendant
18 distributed methamphetamine.

19 "Distribute" means to deliver or to actually,
20 constructively or attempt to transfer a drug other than by
21 administering or dispensing.

22 "Deliver" means to actively, constructively or
23 attempt to transfer a drug. A transfer can involve an
24 exchange for money, a barter or a gift. There does not have
25 to be anything given in exchange for the drugs for a

1 transfer to constitute distribution.

2 The defendant Roberts in count 15 is charged with
3 possession of a weapon during the commission of or attempt
4 to commit a violent crime. The State must prove beyond a
5 reasonable doubt that the defendant was in possession of a
6 firearm or visibly displayed what appeared to be a firearm
7 during the commission of a violent crime.

8 A firearm means any machine gun, automatic rifle,
9 revolver, pistol, or any weapon which will, is designed to,
10 or may be readily converted to expel a projectile.

11 In order to find the defendant guilty of possession
12 of a weapon during the commission of a violent crime, you
13 must first find the defendant guilty of either committing a
14 violent crime or attempting to commit a violent crime. I
15 instruct you that trafficking heroin is a violent crime as
16 defined by South Carolina Code Annotated 16-1-60.

17 The State must also prove beyond a reasonable doubt
18 that the weapon furthered, advanced, or helped in the
19 commission of the crime.

20 In count 16, the defendant Roberts is charged with
21 possession with intent to distribute methamphetamine. The
22 State must prove beyond a reasonable doubt that the
23 defendant possessed methamphetamine with the intent to
24 distribute it.

25 To prove possession, the State must prove beyond a

1 reasonable doubt that the defendant had both the power and
2 the intent to control the disposition or use of the
3 methamphetamine.

4 Possession may be either actual or constructive.
5 Actual possession means that the methamphetamine was in the
6 actual physical custody of the defendant. Constructive
7 possession means that the defendant had dominion and control
8 or the right to exercise dominion or control over either the
9 methamphetamine itself or the property on which the
10 methamphetamine was found.

11 Mere presence at the scene where drugs were found
12 is not enough to prove possession. Actual knowledge of the
13 presence of the methamphetamine is strong enough -- is
14 strong evidence of the defendant's intent to control its
15 disposition or use.

16 The defendant's knowledge of possession may be
17 inferred when a substance is found on the property under the
18 defendant's control. However, this inference is simply an
19 evidentiary fact to be taken into consideration by you,
20 along with the other evidence in the case, and to be given
21 the weight, value and effect you decide it should receive.

22 Two or more persons may have joint possession of a
23 drug. The State must also prove beyond a reasonable doubt
24 that the defendant intended to distribute the
25 methamphetamine.

1 "Distribute" means to deliver, other than by
2 administering or dispensing a drug. Intent may be shown by
3 acts and conduct of the defendant and other circumstances
4 from which you may naturally and reasonably infer intent.

5 In determining whether or not the defendant had the
6 intent to distribute the methamphetamine, you may consider
7 the circumstances surrounding the defendant's alleged
8 possession. You may consider the amount of the substance
9 alleged to have been possessed, the manner in which it was
10 allegedly possessed, the place where it was allegedly
11 possessed, and other factors which you consider to be
12 important. You must find that the defendant did not intend
13 to have the methamphetamine solely for his own use.

14 Possession of more than one gram -- possession of
15 one or more grams of methamphetamine, also known as ice or
16 crank, creates an inference that the defendant possessed the
17 methamphetamine with the intent to distribute it. This
18 inference does not relieve the State from proving beyond a
19 reasonable doubt that the defendant had the intent to
20 distribute. It is simply an evidentiary fact to be taken
21 into consideration by you, along with the other evidence in
22 the case, and to be given the weight, value and effect that
23 you decide it should receive.

24 Ladies and gentlemen, I instruct you that if a
25 crime is committed by two or more people who are acting

1 together and committing a crime, the act of one is the act
2 of all. A person who joins with another to commit an
3 unlawful act is criminally responsible for everything done
4 by the other person which happens as a probable or natural
5 consequences of the acts done in carrying out the common
6 plan and purpose.

7 For example, two people can be guilty of killing
8 another person when only one of the two had a gun, there was
9 only one bullet, and only one of the two fired the shot that
10 caused the death. If two or more people are together,
11 acting together, assisting each other in committing the
12 offense, the act of one is the act of all, or as it is
13 sometimes said, the "hand of one is the hand of all".

14 Prior knowledge that a crime is going to be
15 committed without more is not sufficient to make a person
16 guilty of that crime. Mere knowledge that another person is
17 going to commit a crime, even if the defendant is present
18 when the crime is committed, is not sufficient to convict
19 the defendant as a principal. Guilt as a principal is shown
20 by active or constructive presence at the scene as a result
21 of prior arrangement. Therefore, finding of prior arranged
22 plan or common scheme is necessary for a finding of guilt as
23 a principal. The State must prove beyond a reasonable doubt
24 by competent evidence the theory of the "hand of one is the
25 hand of all".

1 A principal at a crime is one who either actually
2 commits the crime or who is present aiding, abetting or
3 assisting in committing the crime. When a person does an
4 act in the presence of and with the assistance of another,
5 the act is done by both. Where two or more acting with a
6 common plan or intent are present at the commission of a
7 crime, it does not matter who actually commits the crime,
8 all are guilty. The "hand of one is the hand of all".

9 Present at the commission of a crime means to be
10 sufficiently near to aid and abet and assist in the
11 commission of the crime. However, mere presence at the
12 scene of a crime is not sufficient to convict one as a
13 principal on the theory of aiding and abetting.

14 Intent is also a necessary element, but there must
15 have been a common design or intent to commit the crime.
16 And the crime must have been committed pursuant there to
17 with the person aiding and abetting by some overt act.

18 "Intent" means intending the result which actually
19 occurs, not accidentally or involuntarily. Intent may be
20 shown by acts and conduct of the defendant or defendants and
21 other circumstances from which you may naturally and
22 reasonably infer intent. The State must prove these
23 elements beyond a reasonable doubt.

24 An additional issue in this case, ladies and
25 gentlemen, is the identification of the defendant or

1 defendants as the people or persons who committed the crime
2 charged. The State has the burden of proving identity
3 beyond a reasonable doubt. You must be satisfied beyond a
4 reasonable doubt of the accuracy of the identification of
5 the defendant or defendants before you may convict either.

6 Identification testimony is an expression or belief
7 of impression by a witness. You must determine the accuracy
8 of the identification of the defendants. You must consider
9 the believability of each identification witness in the same
10 way as any other witness. You may consider whether the
11 witness had an adequate opportunity to observe the offender
12 at the time of the offense. This will be affected by things
13 that like how long or short a time was available, how far or
14 close the witness was, the lighting conditions, and whether
15 the witness had the chance to see or know the person in the
16 past. Once again, I instruct you, the burden of proof on
17 the State extends to every element of the crime charged.
18 And this specifically includes the burden of proving beyond
19 a reasonable doubt the identity of the defendants as the
20 people or persons who committed the crime.

21 If after examining the testimony, you have a
22 reasonable doubt as to the accuracy of the identification,
23 you must find the defendants not guilty.

24 I further instruct you that mere presence at the
25 scene is not sufficient to prove someone guilty of a crime.

1 A defendant's presence where a crime is being committed or
2 mere association with a person who commits the crime does
3 not make a defendant an accomplice or an aider and abettor
4 of person committing the crime. The burden is on the State
5 to prove every element of the crimes charged.

6 If you find, after reviewing all of the evidence,
7 that the State has proven that the defendant was only
8 present at the scene of a crime and they have not proven
9 beyond a reasonable doubt any other participation in the
10 crime, then you must find the defendants not guilty. The
11 law is that proof of at the scene of the crime is not
12 sufficient to find someone guilty.

13 Ladies and gentlemen, there are multiple counts in
14 one indictment and multiple counts against each defendant.
15 And I am not going to read all of those, because I know you
16 heard them on multiple occasions. And I will go over the
17 charges when I go over the verdict form with you. But I
18 instruct you that each count of the indictment charges a
19 separate and distinct offense. You must decide each count
20 separately on the evidence and the law applicable to it,
21 uninfluenced by your decision as to any on the count. The
22 defendants may be convicted or acquitted on any or all of
23 the offenses charged. And you write a separate verdict of
24 guilty or not guilty for each count of the indictment.

25 Ladies and gentlemen, you have also heard reference

1 or testimony concerning the potential penalty a person can
2 serve for the crimes alleged in the indictment. In
3 determining whether the State has met their burden of proof
4 or not, you cannot consider any possible penalty for any
5 particular crime. The potential punishment for a crime is
6 an as a matter of law for the Court to determine and should
7 never been considered by you in any manner whatsoever in
8 arriving at a fair and impartial verdict in this case.

9 There are two possible verdicts for each count of
10 each indictment for each defendant. And I will go over
11 those with you in a moment. You don't have to try to write
12 that down because the verdict forms go into the jury room
13 with you. And there's no significance whatsoever to the
14 order in which I will state these potential verdicts.

15 Ladies and gentlemen, your verdict must be
16 unanimous, which means that all twelve of you must agree in
17 order to reach a verdict in this case. I think in the
18 interest of time and brevity, I will do this.

19 As to the defendant Emory Warren Roberts, each
20 count of the indictment, that being count 1, count 11, count
21 1, which is trafficking in illegal drugs, heroin, 28 grams
22 or more, conspiracy; count 11, distribution of heroin; count
23 12, distribution of heroin; count 13, distribution of
24 heroin; count 14, trafficking in illegal drugs, heroin, 4 to
25 14 grams; count 15, possession of a weapon during the

1 commission of or attempt to commit a violent crime; and
2 count 16, possession with intent to distribute
3 methamphetamine, your options are as follows, we, the jury,
4 unanimously find the defendant, either guilty of the
5 substance of offense, or not guilty.

6 And as it regards the defendant Justin Gordon
7 Hunter, as to count 1, trafficking in illegal drugs, heroin,
8 28 grams or more, conspiracy; count 2, trafficking in
9 illegal drugs, heroin, 4 to 14 grams; count 3, trafficking
10 in heroin, 14 to 28 grams; count 4, distribution of heroin;
11 count 5, distribution of heroin; and count 6, distribution
12 of methamphetamine. Your options are as follows, we, the
13 jury unanimously find the defendant either guilty of the
14 substantive offense or not guilty.

15 Madam Forelady, once the jury can has reached a
16 unanimous verdict, you will fill out each verdict form and
17 sign and date each form. Once the jury has reached a
18 unanimous verdict on all of the counts, it is your
19 responsibility to knock on the door and advise the bailiffs
20 that the jury has reached a unanimous verdict. Also, if the
21 jury has any questions during deliberations, it is your
22 responsibility to write out those questions, sign and date
23 the note and knock on the door and follow the same process
24 with the bailiffs.

25 Ladies and gentlemen, if you have any questions

1 during deliberations, please know that there will be a delay
2 in our response because there's a process that I have to
3 follow in answering your questions. So know if you have a
4 question, don't think we are ignoring you. We are simply
5 following that procedure.

6 Again, ladies and gentlemen, your verdict must be a
7 unanimous one, which means all twelve of you must agree.

8 And, Madam Forelady, any notes provided to the
9 Court should never make reference to any of the jury's
10 deliberative process or to any numerical breakdown that may
11 exist between the jury.

12 Ladies and gentlemen, I'm going to ask that you
13 return to your jury room. But do not yet begin your
14 deliberations. I have some matter of law to take up with
15 counsel that may require further instruction or
16 clarification of an instruction. However, if there's no
17 further instruction, we will send in the evidence, the
18 verdict forms and your notepads. And at that time, we will
19 excuse the alternates. We have also made arrangements for
20 your lunch today. I think it's pizza. Mr. Marvin went to
21 pick it up for us. It is probably here. So we will get you
22 set up for lunch and we will secure a separate room for the
23 alternates to enjoy their lunch as well. If you would go
24 with the bailiffs for me, please, and do not yet begin your
25 deliberations.

1 (Whereupon, the jury leaves open court at 12:36
2 p.m.)

3 THE COURT: Any exceptions from the State?

4 MS. GORDON: None, 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: If y'all could indulge me just one more
10 second and make sure all of the evidence in place.

11 MR. ROBERTS: When you say the evidence for the
12 jury, are they going to go through it?

13 THE COURT: Yeah. And we need some gloves too for
14 them. They also need a clean computer.

15 MR. UNDERWOOD: We have a clean computer that they
16 can use. There's nothing on it, but operating software.

17 THE COURT: Perfect. As soon as I get the jury
18 situated, I will let y'all get some lunch as well.

19 (Whereupon, the alternate enters the courtroom.)

20 THE COURT: Thank you for your time and attention
21 to this case. We know being an alternate is completely
22 thankless, but if someone was not able to go forward by
23 illness or otherwise, you would have taken that place of
24 that jury. And it's such an important service that you
25 provide to the jury. We are going to situate you in an

1 alternate jury room. No pun intended. It's just a room
2 that's over on the other side. And I'm going to give you
3 lunch so you can take your time and eat. After that, you
4 are welcome to hang out with us or go on about your day.
5 You are welcome to discuss the case if you want, but I ask
6 you not do that until the entire panel is released.
7 Sometimes lawyers ask to get feedback on the case.

8 We will destroy your notes for you, unless you want
9 to do that, but the bailiffs are pretty adept at destroying
10 notes, unless you just want to keep them. I hope y'all have
11 a wonderful weekend. And thank you again so very much for
12 your service. I hope it's been educational. And I will
13 turn it over to the hands of the bailiff so you are situated
14 to have your lunch. Thank you very much.

15 THE COURT: Now I need you to get the evidence and
16 the notes and go ahead and take that into the jury for me so
17 I can note a time that they've begun their deliberations.

18 The record will reflect that the jury began its
19 deliberations at 12:41.

20 (Whereupon, the jury deliberates at 12:41.)

21 (Court's Exh. 3, Jury note, was marked for
22 identification.)

23 THE COURT: We have a note from the jury. And it
24 reads as follows, I've had it marked as a Court's exhibit:
25 Could you please clarify the distinction between

1 distribution and trafficking.

2 I will reinstruct them on distribution and
3 trafficking. Any exception from the State?

4 MR. UNDERWOOD: None, Your Honor.

5 THE COURT: From the defense?

6 MR. GRIFFITH: None, Your Honor.

7 MS. JOHNS: No, Your Honor.

8 THE COURT: All right. Please bring in the jury.

9 (Whereupon, the jury returns to open court at 1:42
10 p.m.)

11 THE COURT: Ladies and gentlemen, in response to
12 your note, could you please clarify the distinction between
13 distribution and trafficking, I will reinstruct you as
14 follows. The defendant Hunter is charged in counts 1, 2 and
15 3, and the defendant Roberts in Counts 1 and 14 with
16 trafficking in heroin. The State must prove beyond a
17 reasonable doubt that the defendants knowingly sold,
18 manufactured, cultivated, delivered, purchased, brought in
19 to this state, provided financial assistance or otherwise
20 aided, abetted, attempted or conspired to sell, manufacture,
21 cultivate, deliver, purchase or bring into this state, was
22 knowingly in actual or constructive possession, knowingly
23 attempted to become in actual or constructive possession of
24 heroin. The State must also prove beyond a reasonable doubt
25 that the amount of heroin or any mixture containing heroin

1 was 4 grams or more but less than 14 grams, 14 grams or more
2 but less than 28 grams, and 28 grams or more.

3 Actual possession means that the heroin was in the
4 actual physical custody of the defendants.

5 Constructive possession means that the defendants
6 had dominion and control or the right to exercise dominion
7 or control over either the heroin itself or the property on
8 which the helper was found.

9 Mere presence at the scene where drugs were found
10 is not enough to prove actual or constructive possession.

11 Actual knowledge of the presence of the heroin is
12 strong evidence of the defendant's intent to control its
13 disposition or use.

14 The defendant's knowledge of possession may be
15 inferred when a substance is found on the property under the
16 defendant's control. However, this inference is simply an
17 evidentiary fact to be taken into consideration by you along
18 with the other evidence in the case and to be given the
19 weight, value and affect you decide it should receive.

20 Two or more persons may have joint possession of a
21 drug.

22 "To deliver" means to actually, constructively or
23 attempt to transfer the drug.

24 "Manufacture" means to produce, prepare, convert,
25 process, plant, cultivate, grow or harvest a drug naturally

1 or actually.

2 "Manufacturing" includes any packagings or
3 repackagings of the drug or labeling or relabeling of the
4 drug's container.

5 In order to prove a conspiracy, the State must
6 prove beyond a reasonable doubt that the defendant or
7 defendants combined with one or more persons for the purpose
8 of committing an unlawful act or of committing a lawful act
9 by unlawful means. There must be a mutual understanding,
10 agreement or common intention and plan. Mere passive
11 knowledge of or consent to the criminal conduct of another
12 is not enough to make a person a conspirator. There must be
13 guilty knowledge and participation. Similarly, the mere
14 fact that the defendant may have associated with another
15 person or met with another person and discussed common names
16 in interest does not necessarily establish proof of the
17 existence of a conspiracy or that the defendant was involved
18 in a conspiracy.

19 On the other hand, it is not necessary that the
20 agreement be a formal one, that it be in writing, that the
21 persons hold a meeting and expressly state the terms of the
22 common plan, or that the agreement be stated in words
23 between them. The agreement of a conspiracy may come into
24 being through an implied mutual understanding. The willful,
25 intentional and knowing adoption by two or more persons of a

1 common plan is sufficient. Overt acts need not be to shown
2 to establish a conspiracy.

3 A conspiracy may be shown by circumstantial
4 evidence and the conduct of the parties. In order to
5 convict the defendant or defendants of conspiracy, the State
6 must prove beyond a reasonable doubt not only that the
7 defendant or defendants knew of the unlawful conduct, but
8 that the defendant or defendants agreed to combine with the
9 other person or persons for the purpose of accomplishing the
10 unlawful conduct.

11 In count 4 and 5, defendant Hunter in count 4 and
12 5, and defendant Roberts in count 11, 12 and 13, are charged
13 with distribution of heroin. The State must prove beyond a
14 reasonable doubt that the defendants distributed heroin.

15 "Distribute" means to deliver or to actually,
16 constructively or attempt to transfer a drug other than by
17 administering or dispensing.

18 "Deliver" means to actually, constructively or
19 attempt to transfer a drug. A transfer can involve an
20 exchange for money, a barter or a gift. There does not have
21 to be anything given in exchange for the drugs for a
22 transfer to constitute distribution.

23 And in count 6, the defendant Hunter is charged
24 with distribution of methamphetamine. The State must prove
25 beyond a reasonable doubt that the defendant distributed

1 methamphetamine.

2 "Distribute" means to deliver or to actually,
3 constructively or attempt to transfer a drug other than by
4 administering or dispensing.

5 "Deliver" means to actually, constructively or
6 attempt to transfer a drug. A transfer can involve an
7 exchange for money, a barter or a gift. There does not have
8 to be anything given in exchange for the drugs for a
9 transfer to constitute distribution.

10 Please let me know if you need anything further.
11 If you will return to your jury room and resume your
12 deliberations.

13 (Whereupon, the jury leaves open court at 1:49
14 p.m.)

15 THE COURT: Any exceptions from the State?

16 MR. UNDERWOOD: None, Your Honor.

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

18 MR. GRIFFITH: None, Your Honor.

19 MS. JOHNS: No, Your Honor.

20 THE COURT: Thank you. We will await further
21 instruction.

22 (Whereupon, a recess transpired.)

23 (Whereupon, the defendant is present.)

24 THE COURT: Bring in the jury.

25 (Whereupon, the jury returns to open court at 2:22

1 p.m.)

2 THE COURT: Madam Forelady, is it correct that the
3 jury has reached a verdict?

4 THE FOREPERSON: Yes.

5 THE COURT: Give the verdict forms to the bailiff,
6 please.

7 The verdicts are as follows: The State of South
8 Carolina vs. Emory Warren Roberts, Indictment
9 2016-GS-47-0002, as to count one, we the jury unanimously
10 find the defendant guilty of trafficking in illegal drugs,
11 heroin, 28 grams or more and conspiracy.

12 Ladies and gentlemen, if this be your verdict,
13 please indicate by raising your right hand.

14 Let the record reflect all 12 raised their right
15 hand. You can put your hands down.

16 As to count 11, we the jury unanimously find the
17 defendant guilty of distribution of heroin.

18 As to count 12, we the jury unanimously find the
19 defendant guilty of distribution of heroin.

20 As to count 13, we the jury unanimously find the
21 defendant guilty of distribution of heroin.

22 As to count 14, we the jury unanimously find the
23 defendant guilty of trafficking in illegal drugs, heroin, 4
24 to 14 grams.

25 As to count 15, we the jury unanimously find the

1 defendant guilty of possession of a firearm during the
2 commission of or attempt to commit a violent crime.

3 And as to count 16, we the jury unanimously find
4 the defendant guilty of possession with intent to distribute
5 methamphetamine.

6 Ladies and gentlemen, if this be your verdicts,
7 please indicate by raising your right hands.

8 Let the record reflect that all 12 raised their
9 right hand. You can put your right hand down.

10 Sir, you may take your seat.

11 As to the State vs. Justin Gordon Hunter, we the
12 jury, as to count 1, Indictment No. 2016-GS-47-00002, we the
13 jury unanimously find the defendant guilty of trafficking in
14 heroin, 28 grams or more.

15 As to count 2, we the jury unanimously find the
16 defendant guilty of trafficking in heroin, 4 to 14 grams.

17 As to count 3, we the jury unanimously find the
18 defendant guilty of trafficking in heroin, 14 to 28 grams.

19 As to count 4, we the jury unanimously find the
20 defendant guilty of distribution of heroin.

21 As to count 5, we the jury unanimously find the
22 defendant guilty of distribution of heroin.

23 And as to count 6, we the jury unanimously find the
24 defendant guilty of distribution of methamphetamine.

25 Ladies and gentlemen, if this be your verdicts,

1 please indicate by raising your rights hands.

2 Let the record reflect that all 12 raised their
3 right hands. The verdicts are taken and the verdicts will
4 stand.

5 Is there any request to poll the jury from the
6 State?

7 MR. UNDERWOOD: None, Your Honor.

8 THE COURT: Mr. Griffith?

9 MR. GRIFFITH: No, Your Honor

10 MS. JOHNS: No, Your Honor.

11 THE COURT: Ladies and gentlemen, we thank you for
12 your time and your attention. We know that jury service is
13 thankless. I hope, however, that it has been educational
14 for you and you've learned that real court is nothing like
15 what you see on television. I hope you know how very vital
16 your service is to our system. Our system is the only kind
17 in the world where 12 ordinary citizens listen to the facts
18 of a case, apply the law to those facts, and render
19 verdicts.

20 You are welcome to stay with us if you would like
21 for sentencing. By the same token, if you would like, you
22 are excused for the remainder of the court term. If you
23 need a work excuse, we can provide that to you before you
24 leave. Otherwise, we will mail that to you along with your
25 checks.

1 Are there any members of the panel that wish to
2 remain for sentencing? If so, if you would raise your hand.
3 Those who wish to remain, if you would stay in your seats.
4 Those who do not wish to remain, you are excused with the
5 Court's profound thanks.

6 (Whereupon, the jury is excused.)

7 THE COURT: Do you all have the sentencing sheets?
8 While we are doing that, are there any post-trial
9 motions?

10 MR. GRIFFITH: Your Honor, we would ask for
11 reconsideration of a new trial, verdict notwithstanding.

12 MS. JOHNS: We join in, Your Honor.

13 THE COURT: Okay. Both motions are denied. There
14 is more than ample evidence to have supported the verdicts
15 in this case. The standard is if there's any evidence to
16 support the jury's findings in a case, and there are more
17 than ample facts to have supported the verdict. And,
18 therefore, the motions are denied.

19 The Court will reincorporate all of its
20 contemporaneous findings regarding any motions made and
21 contemporaneously preserved for the record.

22 All right. Do you all have some sentencing sheets
23 for me? Does Mr. Hunter have any record?

24 MR. UNDERWOOD: He does, Your Honor.

25 THE COURT: If you will publish that for me,

1 please.

2 MR. UNDERWOOD: From that state of New York, 2005,
3 criminal possession, narcotic drug, fourth degree.

4 THE COURT: Do you know what drug that is?

5 MR. UNDERWOOD: I do not, Your Honor.

6 MS. JOHNS: Yes, Your Honor. May I approach?

7 THE COURT: Yes.

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

10 MR. UNDERWOOD: Your Honor, that may have been two
11 counts. Then going to 2007, also from the state of New
12 York, another criminal possession narcotic drug, fourth
13 degree.

14 And 2009, criminal mischief with intent to damage
15 property, aggravated harassment, second degree,
16 communicating in a manner likely to cause alarm. And,
17 again, those are also in the state of New York, Your Honor.

18 2011, assault, third degree, attempt to cause
19 physical injury.

20 2013, from the State of New York, disorderly
21 conduct, creating hazard or physically offensive condition.
22 Criminal possession of a controlled substance, third,
23 narcotic drug with intent to sell -- excuse me, Your Honor,
24 that last charge was dismissed. That's the extent of his
25 convictions, Your Honor.

1 THE COURT: As I understand, on the conspiracy to
2 traffic, that's a mandatory 25.

3 MR. UNDERWOOD: It is, Your Honor.

4 THE COURT: What's the maximum penalty?

5 MR. UNDERWOOD: 40 years, Your Honor.

6 THE COURT: And the trafficking 4 to 14 is -- is
7 that 7 to -- what is that?

8 MR. UNDERWOOD: 4 to 14 would be a second offense,
9 Your Honor, which would make it a mandatory 25. And I do
10 have sentencing sheets for Mr. Hunter.

11 THE COURT: Count 3, which is 14 to 28 grams --

12 MR. UNDERWOOD: Also 25, Your Honor.

13 THE COURT: Because it's a second.

14 MR. UNDERWOOD: Count 4, which is distribution of
15 heroin, is 0 to 15, or 5 to 30 if it's a second.

16 MR. UNDERWOOD: 5 to 30 as a second offense, Your
17 Honor.

18 THE COURT: Do you contest the enhancement of your
19 client's situation, Ms. Johns?

20 MS. JOHNS: No, Your Honor, not at this time.

21 THE COURT: The distribution of methamphetamine,
22 that would also be -- is that in the same category as meth,
23 crank, ice, crack, all the same category?

24 MR. UNDERWOOD: I'm sorry, Your Honor.

25 THE COURT: I said methamphetamine, distribution

1 second, is the same as cocaine, crack, all that is in the
2 same category, same schedule?

3 MR. UNDERWOOD: Yes.

4 THE COURT: That's 5 to 30 as well?

5 MR. UNDERWOOD: Yes, Your Honor.

6 THE COURT: Okay. We will come back to Mr. Hunter
7 in a moment. You can approach and hand me the sentencing
8 sheets.

9 THE DEFENDANT: Can I address the appeals?

10 THE COURT: Pardon me? Actually, sir, you don't
11 have to do that. What will happen, if you wish to appeal,
12 Mr. Griffith will file a motion to appeal. And Indigent
13 Defense will step in and take over and they'll be in touch
14 with you.

15 THE DEFENDANT: Can I do it myself though?

16 THE COURT: You don't want to do that. They have a
17 whole group of lawyers who all they do is appeals. They are
18 very good at it. Take advantage of their services, at no
19 charge to you.

20 The DEFENDANT: So what happens if it's not done in
21 10 days.

22 THE COURT: It's going to be done probably by
23 Monday. Yeah. They can do it quicker than you can. They
24 know where to send it and they know what to do. And
25 Mr. Griffith will send you a copy.

1 While we are waiting on the State to complete that
2 paperwork, Mr. Roberts's range of penalty on count 1 is 25
3 to 40, clarified as violent and serious and a strike; count
4 11 is 5 to 30. Is this -- would this count as a second for
5 him? His record, as I recall was --

6 MR. UNDERWOOD: Prior conviction was outside the
7 time frame, Your Honor.

8 THE COURT: So these are not seconds? They are
9 firsts, correct?

10 MR. UNDERWOOD: Yes, Your Honor.

11 THE COURT: So then his on all three distributions
12 is 0 to 15, trafficking 7 to 25, and the possession of a
13 weapon is a mandatory 5, PWID methamphetamine is 0 to 15
14 and/or 25,000.

15 Glad to hear from you, Mr. Underwood, regarding
16 Mr. Roberts.

17 MR. UNDERWOOD: Your Honor, Mr. Roberts does have a
18 criminal history from the state of New York. The
19 convictions consist of menacing, second degree, with a
20 weapon.

21 THE COURT: What year was that?

22 MR. UNDERWOOD: That was 1996. Petty larceny from
23 1997; another petty larceny from 2000; assault, third
24 degree, with intent to cause physical injury from 2002,
25 along with a trespass, and what appears to be a second count

1 of assault, third degree.

2 THE COURT: What year, same, 2000?

3 MR. UNDERWOOD: Yes, Your Honor. Violation of an
4 order of protection from the same year as well, Your Honor.

5 THE COURT: I also have that there was a criminal
6 mischief charge, what year was that, and damaging property?

7 MR. UNDERWOOD: I'm going through, Your Honor. I
8 apologize. Also 2002, criminal possession of narcotic drug,
9 fourth degree, reckless endangerment, second degree,
10 criminal possession of controlled substance, fifth degree,
11 with intent to sell, criminal possession of a weapon,
12 third.

13 THE COURT: What years are all these?

14 MR. UNDERWOOD: Your Honor, these are from 2002.

15 THE COURT: Okay.

16 MR. UNDERWOOD: Separate cycle, but the same year.
17 I apologize. I'm trying to make sure there's no
18 repeats.

19 THE COURT: That's okay.

20 MR. UNDERWOOD: In 2006, aggravated harassment,
21 second degree, communicating to cause alarm, aggravated --
22 appears to be two counts, Your Honor.

23 2007, criminal mischief with intent to damage
24 property, appears to be one count.

25 2009, assault, third degree, with intent to cause

1 physical injury. Also in 2009, criminal contempt, second
2 degree, disobeying a court. And in 2009 as well, aggravated
3 criminal contempt, violating an order of protection,
4 criminal possession of a weapon, third, criminal mischief,
5 third degree, damaging another person's property, and
6 another count of criminal possession, third degree. Appears
7 to be a different cycle.

8 2013, criminal contempt, second degree.

9 2014, another criminal trespass, third degree, two
10 counts.

11 And, Your Honor, I believe that is the extent of
12 his criminal conviction history. And those are all from the
13 state of New York.

14 THE COURT: Mr. Griffith, is that accurate, to the
15 best of your knowledge?

16 MR. GRIFFITH: To my knowledge, Your Honor, that is
17 accurate.

18 THE COURT: Mr. Underwood, glad to hear from you.

19 MR. UNDERWOOD: Your Honor, Mr. Roberts was a key
20 person involved in this drug trafficking organization. As
21 Your Honor is aware, he was in possession of numerous
22 firearms, both handguns and long guns, shotguns and assault
23 rifles. Several of those weapons were stolen.

24 Your Honor, he is considered by law enforcement to
25 be a very dangerous individual, a very culpable individual

1 in this case. And we feel that based on his criminal
2 history, his conduct which led to these charges and his
3 propensity for violence, we feel it would be appropriate for
4 him to have a sentence far greater than the mandatory
5 minimum.

6 THE COURT: Well, you need to quantify that so
7 Mr. Griffith knows what he's responding to.

8 MR. UNDERWOOD: Your Honor, for whatever amount of
9 bearing the Court would give to it, also the incident
10 occurring during this incarceration prior to trial, the
11 assault on a detention officer, just to show the nature of
12 this particular defendant, we would ask for a sentence
13 exceeding 30 years.

14 THE COURT: Mr. Griffith, glad to hear from you.

15 MR. GRIFFITH: Your Honor, Mr. Roberts is 38 years
16 old. He has gotten wrapped up into some -- with some bad
17 folks. But, Your Honor, I have had the opportunity to sit
18 here and talk to him. I still believe, Your Honor, as when
19 I asked for that evaluation, I truly believe that there is
20 something going on. I really think that he needs some help.
21 And that at some point with the right kind of help, he could
22 be a citizen and a productive citizen, Your Honor.

23 I would ask that the Court show some leniency as
24 allowed by statute, Your Honor. But Mr. Roberts, I don't
25 think, even if he receives the minimum, Your Honor, he won't

1 be getting out --

2 THE COURT: He will be 60 almost.

3 MR. GRIFFITH: As far as his age, by that time,
4 it's unlikely he would return to a life of crime by that
5 time.

6 THE COURT: Does he need any drug treatment
7 while --

8 MR. GRIFFITH: Your Honor, he's indicated to me
9 that he was not addicted to drugs and did not use the drugs.

10 THE COURT: Okay. I just wanted to make sure.
11 They will evaluate him in R and E, but if I needed to make
12 that designation, I wanted to make sure.

13 MR. GRIFFITH: Thank you, Your Honor.

14 THE COURT: You're welcome.

15 Anything further from the State?

16 MR. UNDERWOOD: Nothing, Your Honor.

17 THE COURT: Mr. Roberts, anything you want to say
18 for the record on your own behalf?

19 THE DEFENDANT: Yeah. I have two children, 8 and
20 14.

21 THE COURT: Where are they, sir?

22 THE DEFENDANT: In New York.

23 THE COURT: Who are they with?

24 THE DEFENDANT: Their mothers.

25 THE COURT: They have different moms? What kind of

1 contact do you have with the kids?

2 THE DEFENDANT: Now?

3 THE COURT: Well, in general.

4 THE DEFENDANT: I only could talk to them on the
5 phone.

6 THE COURT: You made mention of your mother. Is
7 she here in South Carolina?

8 THE DEFENDANT: No.

9 THE COURT: She's in New York as well? How old is
10 your mother?

11 THE DEFENDANT: 61.

12 THE COURT: Do you have any other siblings?

13 THE DEFENDANT: Yes.

14 THE COURT: And how many siblings do you have?

15 THE DEFENDANT: Three.

16 THE COURT: How old are they?

17 THE DEFENDANT: 21, my sister is 23 today, and I
18 have an older sister, 39.

19 THE COURT: She's 39?

20 THE DEFENDANT: Yeah.

21 THE COURT: Where are they all located?

22 THE DEFENDANT: New York.

23 THE COURT: Do you have any contact with them?

24 THE DEFENDANT: Yeah.

25 THE COURT: Just so the record is clear, while

1 there may be some concerns that Mr. Griffith has articulated
2 regarding Mr. Roberts's need for potentially an evaluation
3 of some type to see if he needs counseling, medication or
4 otherwise, I have no concern about his ability to have
5 assisted in his representation, to understand the nature of
6 these proceedings. It is clear to the Court that he's been
7 cognizant of place and time, that he is well aware of the
8 nature of these proceedings. And due to the breadth of his
9 criminal history, I have no concern that he understands the
10 legal process, that he understands the nature of his right
11 to a jury trial, his right to a defense, and the other
12 rights of attendant constitutionally to him, as he has more
13 than on many events during the course of this trial
14 articulated for the Court.

15 I believe initially he refused to cooperate with
16 his lawyer, because to some extent, I think he thought he
17 knew more than Mr. Griffith about the system. And I think
18 some of that is tainted by the environment at the detention
19 center, which I think when you are in a desperate situation,
20 you will listen to anyone. And if you have any level of
21 intelligence, you can become a hostage to your own
22 intelligence, which is I think what happens when people
23 listen to the -- and I say sovereign citizens, because
24 basically they come into the heading of those individuals
25 who indoctrinate them to believe that the Constitution is

1 not valid, that they are not particularly citizens, that the
2 United States is a corporation, and all those other rules
3 that apply to the UCC that simply don't apply in this
4 context.

5 But I think they take advantage of people because
6 they know they have a hostage audience, so to speak. And I
7 think to some extent, he got caught up in that initially.
8 But once faced with the specter of a trial, he then -- I
9 observed him during the trial. And he has been more than
10 active and adamant in his representation. And I think he
11 has communicated with you. And you have taken heed of
12 what's he's asked of you and done lots of those things. And
13 y'all have had vigorous discussions about strategy. So I
14 have no concern about his ability to understand these
15 proceedings, and even more importantly, to understand the
16 nature of the right from wrong, moral and legal. So I have
17 no concerns about his competence.

18 But he will, once at the institution, go through R
19 and E, and they will evaluate him. And if he makes them
20 aware of what he needs, they will provide it for him,
21 whether that be mental health from a psychologist or
22 psychiatrist or if he needs any other physical treatment,
23 they will provide it to him at the institution.

24 Sir, if you will stand for me, please, for
25 sentencing.

1 Sir, as to count one, you're sentenced to the State
2 Department of Corrections for a mandatory period of 25
3 years.

4 On each count of distribution of heroin, you're
5 sentenced to State Department of Corrections for 15 years
6 and a fine -- well, actually, I need to go back because on
7 count one, there's a mandatory imposition of \$250,000 fine,
8 which this Court will suspend upon the service of his 25
9 years.

10 On each count of distribution of heroin, sir, you
11 are sentenced to the State Department of Corrections for a
12 period of 15 years and \$25,000, suspended upon the service
13 of 15 years.

14 The trafficking heroin, 4 to 14 grams, sir, you're
15 sentenced to the State Department of Corrections for a
16 period of 15 years and \$50,000, which will be suspended upon
17 the service of 15 years.

18 Possession of weapon, your sentenced to the
19 mandatory period of five years.

20 And possession with intent to distribute
21 methamphetamine, you are sentenced to 15 years and \$25,000,
22 suspended upon the service of 15 years.

23 Thank you very much. And you will get credit for
24 any time that you've served. And I will run these sentences
25 concurrent with one another.

1 Now, Ms. Johns, when a person is tried in their
2 absence in South Carolina, they are sentenced, their
3 sentences are sealed. They are not published for the
4 purpose of any court record. When he's picked up on the
5 bench warrant that I've already issued, he will then be
6 sentenced.

7 Is there anything that you wish to present to the
8 Court in mitigation so that Mr. Underwood can then respond?

9 MS. JOHNS: No, Your Honor. I don't have any
10 mitigation at this time.

11 THE COURT: Is there any argument you want to make
12 regarding sentencing of your client at this time?

13 MS. JOHNS: Your Honor, I would just point out the
14 facts that the attorney general has presented to this Court
15 with regard to his specific conduct. And I would note for
16 the record that he has family in New York, along with a
17 daughter. And without talking any further, I have nothing
18 else I can give you at this time.

19 THE COURT: Have you had any contact with him?

20 MS. JOHNS: Not since Tuesday, the night before our
21 motions, which were last week. And I don't know -- I don't
22 remember the date. I think it was July 16th, but I'm not
23 sure of that.

24 THE COURT: And did he indicate to you whether he
25 intended to appear or not?

1 MS. JOHNS: He did, Your Honor. In my last
2 conversation with him little, voice-to-voice conversation
3 was around 9:30 p.m. on Tuesday night. I had text messaged
4 him several times without any responses. My last text
5 message was for him to call me immediately. About an hour
6 later, he did call. I said, I'm calling to remind you that
7 you need to be in court tomorrow morning, which would be
8 Wednesday, at 9 a.m., are you aware of that? And he said,
9 yes, I will be there at 9. That's my last conversation.

10 THE COURT: And you checked all the institutions to
11 make sure he's not incarcerated somewhere?

12 MS. JOHNS: No, I have not done that, Your Honor.

13 THE COURT: Does the State have any indication he's
14 incarcerated anyplace else?

15 MR. UNDERWOOD: No, Your Honor. However, there is
16 on his NCIC report a wanted posting for some sort of a fraud
17 charge out of the state of Georgia, Your Honor. But no
18 indication he's actually been picked up.

19 THE COURT: Have we heard anything from the bonding
20 company?

21 MR. UNDERWOOD: No, Your Honor.

22 MS. JOHNS: I will inform the Court that the
23 bonding company has contacted my office and asked if we had
24 heard from him. And, of course, I was not there, but my
25 office responded in the negative. I have attempted to

1 contact him since the inception of this trial numerous
2 occasions by telephone and text messages with negative
3 results.

4 THE COURT: Okay. Glad to hear from the State
5 regarding sentencing of Mr. Roberts.

6 MR. UNDERWOOD: You mean Mr. Hunter?

7 THE COURT: I'm sorry, I meant to say Mr. Hunter.

8 MR. UNDERWOOD: Your Honor, he has a conviction
9 from 2005 from the state of New York, possession of narcotic
10 drugs, fourth degree, two counts.

11 THE COURT: I think you told me his record. Yeah,
12 you told me his record, uh-huh.

13 MR. UNDERWOOD: Your Honor, this defendant, Justin
14 Gordon Hunter, also known as Mo, as Your Honor heard
15 throughout the course of the trial, this is the individual
16 that was leading this drug trafficking organization. He is
17 the head of this organization and has the fullest
18 culpability imaginable, Your Honor. He is the one person
19 responsible for bringing this heroin to our state. The
20 State would ask for the maximum sentence on count one, Your
21 Honor.

22 THE COURT: Anything, Ms. Johns, you would like to
23 say in response?

24 MS. JOHNS: Yes, Your Honor. I don't think the
25 State has any evidence showing that heroin was being

1 transported to this state from any other state.

2 THE COURT: Well, did your client say he met folk
3 in New York and he would meet at the hotel and then bring
4 the drugs back here?

5 MS. JOHNS: I was going to say, Your Honor, with
6 the exception of the statement that the agent received from
7 Mr. Hunter at the time that they executed the search warrant
8 on the apartment in Patriot Boulevard, but as far as
9 confirming any of that, I don't believe the State has
10 that.

11 THE COURT: All right. Thank you very much. I
12 will impose sentence that will be sealed. That will remain
13 in his file. The time he's picked up, I assume the Court
14 will notify you, Ms. Johns, and you can be here for the
15 imposition of any sentence of your client, as well as the
16 State.

17 Thank you all very much. It was a pleasure. Hard
18 work this week. And I appreciate it.

19 (Whereupon, proceedings are adjourned.)
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CERTIFICATE OF REPORTER

I, Karen V. Andersen, Registered Merit Reporter,
Certified Realtime Reporter for the State of South Carolina
at Large, do hereby certify that the foregoing transcript is
a true, accurate and complete Transcript of Record of the
proceedings.

I further certify that I am neither related to nor
counsel for any party to the cause pending or interested in
the events thereof.


Karen V. Andersen
Registered Merit Reporter
Certified Realtime Reporter

1 STATE OF SOUTH CAROLINA) GENERAL SESSIONS COURT
2 COUNTY OF BERKELEY) CASE NO. 2016-GS-4702

3

4 STATE OF SOUTH)
CAROLINA,)
5) Transcript of Record
Plaintiff,)
6)
vs.)
7) Date: July 18, 2018
JUSTIN GORDON HUNTER,)
8)
Defendant.

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* * * * *

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12 B E F O R E:

13 The Honorable Deadra Jefferson

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22 Denise J. Lauder, RPR

23 Ninth Judicial Circuit

24

25

1 A P P E A R A N C E S

2

3 REPRESENTING THE PLAINTIFF:

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9

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INDEX OF EXHIBITS

(No exhibits were offered or
marked for identification.)

1 (The following proceedings were had
2 7/18/18, 9:51 a.m., Berkeley County General
3 Sessions Court.)

4 THE COURT: All right. This is the
5 State v. Justin Gordon Hunter, 2016-GS-4702. This
6 is a state grand jury case.

7 Preliminarily, I've been handed an
8 order of substitution which has been executed by
9 Ms. Johns and Mr. Owensby, and I would have to
10 assume with the consent of Mr. Hunter, substituting
11 his counsel, which is being executed on today's
12 date and will be given back -- and will be given
13 back to the state grand jury clerk for purposes of
14 filing.

15 For the benefit of the record, this
16 case has a lengthy history which the record already
17 bears out, and I'm not going to go back through it.

18 And Mr. -- there are many co-defendants
19 in this case, some of whom pled guilty and some of
20 whom went to trial. I don't think I need to go
21 back through that for purposes of the record.

22 There were offers extended in all of
23 the cases, some of whom were taken advantage of and
24 others were rejected and were placed on the record
25 at different and varying times.

1 The trial in this case was held
2 July 24, 2017 through July 28th of 2017. At that
3 time, Mr. Hunter was represented by Theresa Johns.
4 The Court confirmed for the record and made a
5 record at that time regarding trying Mr. Hunter in
6 his absence; and he had more than adequate notice
7 of the trial date.

8 The trial was set well in advance.
9 There were also pretrial matters held in this case
10 for which he was present. And the Court found at
11 that time that he had voluntarily absented himself,
12 and he had adequate notice of him being tried in
13 his absence.

14 He was found guilty during the course
15 of that trial, and at that time, pursuant to case
16 law and statute, the Court sentenced him in his
17 absence and sealed that sentence.

18 Mr. Underwood, you're appearing on
19 behalf of the State?

20 MR. UNDERWOOD: Yes, Your Honor.

21 THE COURT: Mr. Owensby, you have now
22 been substituted for Ms. Johns; is that correct?

23 MR. OWENSBY: Yes, Your Honor.

24 THE COURT: Mr. Underwood, is there
25 anything that we need to take up from the State

1 before the Court unseals and pronounces sentence?

2 MR. UNDERWOOD: Nothing further at this
3 time, Your Honor.

4 THE COURT: Mr. Owensby, is there
5 anything before the Court unseals the sentence and
6 pronounces --

7 MR. OWENSBY: No, Your Honor.

8 THE COURT: -- sentence?

9 Sir, if you would stand.

10 (Unsealing record)

11 On 2016-GS-4702, count one, trafficking
12 in heroin, 28 grams or more, conspiracy, sir, you
13 were found guilty. In your absence you were
14 sentenced to 35 years. The sentence was
15 concurrent.

16 On 2016-GS-4702, count two, trafficking
17 heroin, 4 to 14 grams, you are sentenced to
18 25 years and \$100,000, suspended to 25 years.

19 On count three of the same indictment,
20 trafficking heroin, 14 to 28 grams, you are
21 sentenced to 25 years and \$200,000, suspended to
22 25 years.

23 On count 4 of the same indictment,
24 distribution of heroin, second offense, you are
25 sentenced to 25 years and \$50,000 suspended to the

1 service of 25 years.

2 On count five of the same indictment,
3 distribution of heroin, second offense, you are
4 sentenced to 25 years and \$50,000, suspended to the
5 service of 25 years.

6 Distribution of methamphetamine, second
7 offense, count six of the indictment, you are
8 sentenced to 25 years and \$50,000, suspended upon
9 the service of 25 years.

10 These sentences are concurrent with one
11 another. Pursuant to 241340, you will get credit
12 for any time that you're entitled to.

13 Each of these sentences, as I
14 understand it, on count two, count three, count
15 four, count five, and count six are mandatory
16 minimum requirements of the state statutory scheme.

17 And those sentence sheets will be given
18 to the state clerk for filing along with the
19 original envelope.

20 Anything else? Anything further from
21 the state?

22 MR. UNDERWOOD: Nothing, Your Honor.

23 THE COURT: Anything further, Mr.
24 Owensby?

25 Sir, you can take your seat.

1 MR. OWENSBY: I beg the Court's
2 indulgence for a moment.

3 THE COURT: Sure.

4 MR. OWENSBY: Nothing further, Your
5 Honor.

6 THE COURT: Thank you very much.

7 (These proceedings were concluded at
8 10:05 a.m.)

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1 CERTIFICATE OF REPORTER

2

3 I, Carol Denise Lauder, Registered
4 Professional Reporter and Notary Public for the
5 State of South Carolina at Large, do hereby certify
6 that the foregoing transcript is a true, accurate,
7 and complete record.

8 I further certify that I am neither related
9 to nor counsel for any party to the cause pending
10 or interested in the events thereof.

11 Witness my hand, I have hereunto affixed my
12 official seal this 4th day of February, 2019, at
13 Charleston, Charleston County, South Carolina.

14

15

16



17

S/Denise Lauder
Carol Denise Lauder
Registered Professional
Reporter, CP
My Commission expires
February 27, 2028

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STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

COURT OF GENERAL SESSIONS

State of South Carolina,)
)
 PLAINTIFF,)
)
v.)
)
Justin Gordon Hunter,)
)
 DEFENDANT.)

TRANSCRIPT OF HEARING

2016-GS-47-02

Berkeley County Courthouse
March 11, 2019

BEFORE:

HONORABLE DEADRA L. JEFFERSON, PRESIDING JUDGE

APPEARANCES:

Assistant Solicitor Joshua Underwood, Esquire
Attorney for State of South Carolina

Adam Owensby, Esquire
Attorney for Defendant

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30

EXHIBITS

(There were no exhibits marked during this hearing)

The State vs. Justin Gordon Hunter

3

1 Bailiff: Place your left hand on the Bible.
2 Raise your right hand. Do you solemnly swear or affirm
3 that the testimony you are about to give will be the
4 truth, the whole truth and nothing but the truth so help
5 you God?

6 Defendant: Yes, sir.

7 Bailiff: State your full name.

8 Defendant: Justin Gordon Hunter.

9 Bailiff: Thank you.

10 The Court: Thank you. This is 2016-GS-47-02.
11 State of South Carolina vs. Justin Gordon Hunter. Also,
12 indictment 2016-GS-47-03. On the first indictment it was
13 Count One, conspiracy, Count Two, distribution of heroin,
14 Court Twelve, distribution of heroin. Count Thirteen,
15 distribution of heroin, Count Fourteen, trafficking
16 heroin more than 14 grams and Count Fifteen, possession
17 of a weapon during the commission of a violent crime. On
18 the conspiracy to traffic illegal drugs which Count One
19 heroin twenty-eight grams or more. This case went to
20 trial on July 28th of 2017. It appears that a Motion for
21 Consideration of the sentence was filed with the Court
22 but never --- something wasn't filed, the clerk can
23 update me but in any event it was never filed with the
24 Court. In the motion to reconsider, Mr. Hunter was tried
25 in his absence. As a result of his trial in his absence

1 on July 18th, 2018. Then he was arrested on February 8th
2 of 2016. At the time of trial was represented by Teresa
3 Johns. The appeal was dismissed without prejudice
4 pending the resolution of the post trial motions meaning
5 the motion for reconsideration, the court was not made
6 aware of that motion until the dismissal of the appeal.

7 At the time of the trial, the Court placed all
8 the relevant information on the record regarding the
9 Defendant being tried in his absence.

10 Mr. Hunter was actually convicted on Count One
11 of indictment 2016-GS-47-02 with his conspiracy
12 trafficking in heroin 28 grams or more. Count Two
13 trafficking in heroin four to fourteen grams, second
14 offense, Count Three trafficking in heroin. Count Four
15 distribution of heroin and Count Five distribution of
16 heroin and Count Six, distribution of metamphetamines
17 second.

18 Accordingly, Count One carries a mandatory
19 minimum of 25 years and a \$200,000.00 fine. Count Two
20 carries a mandatory minimum of 25 years. Count Three
21 carries, I think, a mandatory minimum of 25 as well.
22 Count Four carries a minimum of 5, a maximum of 30 and a
23 fine of \$50,000.00 and Count Five carries a minimum of 5
24 and maximum of 30 and a fine of \$50,000.00 and Count Six
25 carries a minimum of 5 and maximum of 30 and a mandatory

1 fine of \$50,000.00. Mr. Clerk, if you would be so kind
2 as to ... I have it right here. I apologize.

3 Mr. Hunter was sentenced on the date of his
4 conviction he was subsequently located and taken back
5 into custody and was sentenced on July 18th of 2018.
6 Those sentences were unsealed in public and at that time
7 he was sentenced. Accordingly, on 2016-GS-47-02 Count
8 One, he was sentenced to 35 years and \$200,000.00
9 suspended to 35 years. On Count Two the sentence is 25
10 years and \$100,000.00 suspended to 25 years. Count
11 Three, 25 years and \$200,000.00 suspended to 25 years.
12 Count Four, 25 years and \$50,000.00 suspended to 25 years
13 and Count Five, 25 years and \$50,000.00 suspended to 25
14 years and Count Six, 25 years and \$50,000.00 suspended to
15 25 years. The sentences were concurrent. He got credit
16 for 1340.

17 As I've indicated, he was originally
18 represented by Ms. Theresa Johns, substitute of counsel
19 was assigned on 7-18-18 substituting Mr. Owensby as
20 counsel. The State is represented by Mr. Joshua
21 Underwood. Did I leave anything out Mr. Underwood?

22 Mr. Underwood: I think you covered just about
23 everything, Your Honor.

24 The Court: Mr. Owensby you may proceed.

25 Mr. Owensby: Thank you, Your Honor. May it

1 please the Court. Thank you for hearing us today. We
2 are asking for a motion for reconsideration. The first
3 count, the 35 years and we're asking that this be reduced
4 to 25 years. After trial, he was not present as you
5 discussed, he was given a sealed sentence of 35 years.
6 His co-defendant in the case, for basically the same
7 charges, only got 25 years and he was present. Mr.
8 Hunter just wasn't present at the sentencing so that the
9 Court could hear about Mr. Hunter and the entire things
10 going on about his life, about what he does in the
11 community, his side of the court case, generally. Mr.
12 Hunter understands that the way that he dealt with that
13 situation was not the proper way to do it.

14 Mr. Hunter and Ms. Johns had a disagreement and
15 it resulted in a breakdown of the attorney/client
16 relationship. Mr. Hunter conveyed to Ms. Johns that he
17 did not want to proceed to trial with her as his attorney
18 but did not contact the court with regard to that
19 information. So, the Court went ahead and proceeded with
20 the trial in his absence but it is Mr. Hunter's
21 contingent that he did not want to continue to trial with
22 the attorney that he had at the time.

23 That had a disagreement over a potential plea
24 earlier on that made Mr. Hunter uncomfortable with her
25 explanation representation and navigation of the legal

1 situation. It was Mr. Hunter's understanding that she
2 tried to get him to take a 10 years plea for trafficking
3 3.5 grams of heroin, which didn't make sense to Mr.
4 Hunter because the minimum for trafficking is 4 grams.
5 At least that was the confusion that they had that began
6 the issue of not having the trust in his attorney.

7 There is also --- Mr. Hunter was unclear about
8 the trial start time.

9 The Court: Let me interrupt you. I read that in
10 your motion. That is not accurate. He was here for every
11 suppression motion and I sat the trial on that date and
12 he was present in the court room. I set his trial date
13 but he was aware of his case going forward and his
14 thoughts were discussed in detail on numerous occasions
15 and since you were not involved in the history you are
16 not aware of every suppression motion and someone
17 accompanying him. So, I was a little surprised when I
18 saw that because I don't find credible that he didn't
19 know what was going on because he was present in the
20 courtroom for all the motions. I went to great lengths
21 to set the trial to accommodate everyone's schedule and
22 he was present. I don't have the transcript. I didn't
23 think to order it but I may have even asked him if he was
24 clear that that was the date of the trial since he was
25 present but I don't want to misrepresent that but I know

1 that he was present the last time and that all the
2 lawyers were present when we discussed the trial date. I
3 think it is more likely that he was concerned that the
4 suppression motions weren't granted and he felt like it
5 might not go the way he wanted it to go and therefore he
6 absconded and was gone for a year.

7 So, even in light of that, Ms. Johns did a very
8 good job in defending him in spite of his absence. I
9 thought she was very, what's the word that I'm looking
10 for, zealous in her representation. I will have to look
11 back at my notes but she was at a great deficit and I may
12 have even given her additional time to try and find him.
13 I can't remember. The record now, even my notes are in a
14 file, the file is two binders so it I'm sure I gave her
15 additional time to try to find him. I have a knee jerk
16 reaction to that. So, based on my reaction I normally
17 would given her more time to try to find him before I
18 issued a bench warrant.

19 Mr. Underwood: If I can add to that, Your
20 Honor, as I recall there was a, sort of a status hearing
21 that was scheduled the week prior to the trial and that
22 was when Mr. Hunter first failed to appear and that was
23 when Ms. Johns was given additional time to try to locate
24 him. That was prior to the trial and he also failed to
25 appear again for the trial itself, which as, Your Honor,

1 has already mentioned he was given notice directly from
2 the court.

3 The Court: The State did ask for a bench
4 warrant at that time and I didn't grant it. I did give
5 her additional time to try to locate him.

6 Mr. Owensby: Your Honor, I completely believe
7 that expressed the date of the upcoming trial. I really
8 think the issue --- and he should have been aware of
9 that, from being in court himself, he should have been
10 aware of the dates and showing up but the issue came down
11 to a breakdown of communication with him and his
12 attorney.

13 Mr. Hunter wants to say one brief statement
14 about his confusion about the trial date before I
15 continue my argument.

16 The Court: Sure.

17 Mr. Hunter: Prior to --- I went to see Ms.
18 Johns in July. The trial was scheduled for July 24th. I
19 went and seen her and two days later the trial. I was
20 confused, she didn't get it, she told me I had to come to
21 Court. Revoked my bond and I sat in jail. The trial was
22 start earlier and she couldn't even help me even give me
23 a explanation why. I asked her why was it happening, I
24 didn't understand. She couldn't help me or even explain
25 to me that I had to come to court.

1 Mr. Owensby: That is my clients confusion with
2 the communication. Obviously, he heard what, Your Honor,
3 told him in terms of the dates, but there was this break
4 down in communications.

5 The Court: I probably would have advised him if
6 he didn't show up he would be tried in his absence.
7 Again, that would be my normal practice but I don't want
8 to rely on my memory. To much has happened.

9 Mr. Owensby: I understand, Your Honor. We
10 would have hoped that Ms. Johns would have asked for a
11 continuance of the trial and even if that didn't happen
12 and the trial did happen in his absence and, you know,
13 the Court made finding that the trial could proceed in
14 his absence and ...

15 The Court: Just so you know me trying somebody
16 in their absence is the last resort. That means I've
17 given you every opportunity ahead of time to find them.
18 And, I probably can count on one hand the times I've
19 tried people in their absence. That's means I've already
20 gone to the ... giving you an opportunity. I'm going by
21 memory and you can correct me if I'm inaccurate I think,
22 any person that was on bond, given the person that made
23 bond other than the other two people that plead guilty.
24 There's one gentleman that was on bond and he plead
25 guilty. I forgot the lady's name. She's in jail. She

1 did not make bond. Mr. Emory Roberts did not make bond.
2 Am I leaving someone out?

3 Mr. Underwood: There was a Mr. Dixon as well,
4 Your Honor.

5 The Court: He plead guilty.

6 Mr. Underwood: Yes, Your Honor.

7 The Court: He plead guilty because he was not
8 going to cooperate in the prosecution.

9 Mr. Underwood: He did not. He decided not to,
10 Your Honor.

11 The Court: He was out of it fairly early. He
12 plead guilty early on. But, I would have asked him,
13 again, I might be wrong, my memory may be inaccurate
14 regarding being tried in his absence. I will have to
15 look through my notes and see because that would be
16 something that I would have noted in my notes as well.
17 But, again, don't hold me to it because it could be
18 inaccurate.

19 Mr. Owensby: I completely understand, Your
20 Honor. And, regardless of the trial having occurred in
21 his absence, at sentencing it would have been nice if Ms.
22 Johns still could have gotten family here to say
23 something on his behalf submitted.

24 The Court: Did you ask her if she did?

25 Mr. Owensby: We have not heard from her that

1 she did and from the family, the family has said that she
2 did not. I frankly have had a tough time communicating
3 with Ms. Johns about the situation, but it's his family
4 position that they were not able to have their voices
5 heard. And, really when it comes to Mr. Roberts was
6 given a 25 year sentence and it's really important, 25
7 and 35 years. After a point, they only sound like 10
8 years apart. Mr. Hunter is 35 years old. If he spends
9 25 years in prison, that is an extremely long time for
10 these charges, these one set of charges and if he comes
11 out at that point he will be in his fifties. There is
12 still a chance for him to rehabilitate himself, come
13 back, meet his children as young adults, who will be
14 middle aged people themselves. Start a whole second life
15 basically when he comes out. But, at 35 years, he's
16 going to come out and he's going to be almost 70 and the
17 chances of him being able to have a realistic ability to
18 reincorporate himself into society and also be there for
19 his children, be it they will be adults at that time,
20 they wouldn't be middle aged adults at that time.

21 I'd like to, with the Court's permission submit
22 Affidavits that I have from family members. We have here
23 an affidavit from Mr. Leroy Hunter, which was his father,
24 we have an email from Christian, she's the mother of two
25 daughters of Mr. Hunter. We have a letter from Kayla

1 Hunter who is 13 years old and who wrote this on his
2 behalf. We have a character reference letter from Ms.
3 Bennett also Mr. Hunter has a child with her. She
4 describes him as being a very loving family man. We also
5 have a affidavit from Ms. Hamilton, his sister. And we
6 have a letter that I included from Ms. Serrino and she is
7 also here today. She would like to say a word after Your
8 Honor, has time to read over them affidavit.

9 I just really want to emphasize that ten years.
10 He's a 35 year old man. Him coming out in 35 years,
11 maybe just under that, it really basically removes his
12 second chance at life. He will get to have freedom but
13 his freedom will be basically at the time most people are
14 considering retiring. If it's 25 years, that's a
15 horribly long time to think about in the first place, but
16 it is the statutory minimum and the statutory minimum is
17 what it is and I understand that, Your Honor. But
18 allowing him to serve this 25 year sentence concurrent
19 with the other one, at least gives him hope and his
20 family hope that there can be some realistic positive
21 reunification in the future.

22 I just also want to reemphasize that it is Mr.
23 Hunter's contention that he did not want to proceed to
24 trial with Ms. Johns as his attorney. He should have
25 contacted the court but he didn't know the right way to

1 handle it.

2 The Court: My recollection he wouldn't
3 communicate with her at all and she was quiet frustrated
4 because she had made multiple attempts to contact him.

5 Mr. Owensby: Hindsight is 20/20 on that but
6 that is how it always is. Really, when it comes to 25
7 verses 35 it's really a detriment to his family and a
8 detriment to society and the community to keep him in
9 there for that extra ten years when this small difference
10 of ten years really mentally creates a possibility for
11 somebody going forward.

12 The Court: Just so the record is clear. When I
13 said that Ms. Johns has been zealous in her
14 representation in light of Mr. Hunter absenting himself
15 from trial, she filed multiple pretrial motions in his
16 absence. My notes reflect that she filed seven pretrial
17 motions. One to suppress his statement to clarify his
18 record. To request the record of all witnesses, to
19 suppress any evidence from the residence even though we
20 had already heard that motion, she renewed it. The
21 motion to sequester the witness --- it looks like I
22 didn't issue a bench warrant until after she had
23 indicated to me that she had difficulty with him, that he
24 would not respond to her, her messages were going
25 directly to voice mail. That she had instructed him on

1 his voice mail to be here on the date of trial. To be at
2 court, this was actually on a motions term. This was on
3 July 19th that she had instructed him to be at court at 9
4 and that he had failed to appear by the time we started
5 at 9:30. Those motions took place from 9:30 to 12:10.

6 She had also filed all of her motions in
7 writing with accompanying memo with her contention
8 regarding her request on each of the motions. It's my
9 recollection that she very competently and thoroughly
10 cross-examined the witnesses when it was applicable and
11 Mr. Hunter's input.

12 Mr. Owensby: Given the fact that he was tried
13 in his absence, we're not here looking --- it's not a
14 motion for a new trial. I understand that the Court
15 found that he was able to be tried, we would like to have
16 seen a motion for a continuance because they had that
17 breakdown if she was unable to get any communication back
18 from him that is at least concerning but more over it's
19 more the sentencing part that we are here to focus on
20 today and not the actual trial itself and anything that
21 she may have done well or not well. We are here to make
22 sure that his family gets to have their voice heard and
23 anything in regard to the sentencing. Again, the co-
24 defendant basically ...

25 The Court: As the facts came out in this trial,

1 is the reason for his sentence because I never punish
2 people on procedural issues and I never punish people for
3 having exercised their constitutional right. It's
4 appropriate before and appropriate after. The evidence
5 as it bore out, Mr. Hunter as the coordinator of this
6 entire effort that Mr. Roberts was not ... but that based
7 on what was presented at trial that although he was
8 involved he was not as involved as Mr. Hunter's
9 involvement. Basically, Mr. Hunter was the person who
10 was in charge of everything. That's why his sentence was
11 enhanced. It wasn't enhanced because he wasn't here. I
12 won't enhance because his family wasn't here. I just
13 wanted you to be clear, at least by my recollection that
14 was ... The State they have to ...

15 Mr. Underwood: Yes, Your Honor.

16 The Court: I've weighed it all out and just so
17 the record is clear Ms. Johns did present me the fact
18 that his family did not live here, that they were in New
19 York. That the age of his mother and some other things.
20 Anything further regarding the motion for
21 reconsideration, Mr. Owensby?

22 Mr. Owensby: Just if, Your Honor.

23 The Court: Sure. I'd be glad to hear from
24 them.

25 Mr. Owensby: The mother of his child would like

1 to speak.

2 The Court: Tell us your name for the record.

3 Ms. Serrino: Viviana Serrino.

4 The Court: If you would spell both of your
5 names for us, please.

6 Ms. Serrino: V-I-v-I-a-n-a S-e-r-r-i-n-o.

7 The Court: Yes, ma'am. Be glad to hear from
8 you.

9 Ms. Serrino: Well, I am the mother of his child
10 that he has never met yet who is 5 months old and waiting
11 outside in the courtroom. He's not a bad guy. I mean,
12 he does have kids. I keep in contact with the family and
13 everybody else. His mother and father are very worried
14 about him. I just wanted you to know he has a little boy
15 that he has never met. Thank you.

16 The Court: Anything else you want to share with
17 the court.

18 Ms. Serrino: Also, I had tried to contact Ms.
19 Johns but she never responded

20 The Court: She doesn't have an obligation to
21 contact you.

22 Ms. Serrano: Okay.

23 The Court: I don't want to speak for her but
24 usually when lawyers do not contact family members,
25 people who are related to the defendant because they are

1 limited to what they can talk to you. That's usually why
2 they don't respond because it's ethical problems for them
3 later.

4 Ms. Serrano: Thank you.

5 The Court: You are welcome, ma'am. Mr.
6 Underwood. Anything further Mr. Owensby?

7 Mr. Owensby: No, Your Honor.

8 The Court: Okay. Mr. Underwood, I will be glad
9 to hear from you.

10 Mr. Underwood: Thank you, Your Honor. I will
11 do my very best to be brief. First, I'm not very clear
12 as to the filing of service of the defense's Motion to
13 reconsider.

14 The Court: I got it on 10-17-18 via email and
15 it was never filed. But that was after the - we had to
16 track it down actually because we got the Order from the
17 Court of Appeals on 8-28-18 and then my secretary
18 subsequently had to track it down.

19 Mr. Underwood: That's my understanding as well,
20 Your Honor.

21 The Court: I think she shared it with you.

22 Mr. Underwood: Yes, Your Honor. I did
23 eventually receive a copy which I did file it.

24 The Court: Did you ever file your Motion, Mr.
25 Owensby?

1 Mr. Owensby: Let me speak to that. It's my
2 understanding, my paralegal is no longer working with me
3 anymore, it's my understanding that he came here to drop
4 it off with your office and after he left he was called
5 to come pick it back up and then that ...

6 The Court: Probably because it was a State
7 Grand Jury case and he had to file it with their office
8 in Columbia. The Clerk's office here couldn't take the
9 filing.

10 Mr. Owensby: So, from there were in
11 consultation about the appeal and these post-trial
12 motions but, you know, at that time the post-trial motion
13 had actually been written prior to the date of it being
14 unsealed July 17 and then we just wanted to get it
15 submitted in the proper way and there was some confusion
16 with my paralegal who is no longer with me any more.

17 The Court: Did you ever file it with the State
18 Grand Jury office?

19 Mr. Underwood: It was sent to the State Grand
20 Jury office.

21 The Court: Did you ever get it?

22 Mr. Parks: Your Honor, we never have received
23 the document formally. We did receive it via email, I
24 believe October 17, 2018.

25 The Court: So, it's never been filed?

1 Mr. Parks: That's correct, Your Honor.

2 Mr. Owensby: It was our understanding that was
3 sufficient for filing.

4 The Court: What was sufficient for filing?

5 Mr. Owensby: The emailing at that time was
6 sufficient for filing.

7 The Court: My secretary emailed it to Mr. Parks
8 for filing. So it has never been filed?

9 Mr. Owensby: I thought we also emailed a copy.

10 The Court: They never received it. The only
11 one they received was from my office. Is that correct?

12 Mr. Parks: That correct. I conferred a few
13 minutes ago and she did confirm that.

14 The Court: You may proceed. Is there
15 anything else you wanted to share regarding the filing of
16 the motion?

17 Mr. Owensby: No, Your Honor.

18 Mr. Hunter: Your Honor, notwithstanding any
19 potential defects in the filing or service on the motion,
20 the State would also ask the motion to be reconsidered be
21 denied again solely on the merits, Your Honor. The
22 evidence presented at trial does show that Mr. Hunter was
23 more than just a participant in this drug trafficking
24 organization and this conspiracy count and he was in fact
25 the leader of the organization. There was testimony to

1 that effect as well as numerous other evidence to
2 indicate that. The State feels that the disparity
3 between his sentence and the sentence of Mr. Roberts, who
4 was also tried in that joint trial goes to the
5 responsibility of Mr. Hunter, not because he was absence
6 or because he was unable to present any mitigation but
7 the fact that his involvement was that significant in
8 this drug trafficking. Your Honor, may recall Mr. Hunter
9 does have a significant criminal history including other
10 drug crimes from the State of New York, which he actually
11 done time in New York Department of Corrections. I feel
12 that was a very important factor as well, Your Honor, to
13 show that this is a significant sentence for a reason.
14 This is not an individual who is just caught up in
15 something but rather a person who is a criminal who has
16 brought that criminal career to South Carolina
17 transporting heroin here.

18 The Court: He was on New York parole on his
19 last probation, well, that was a violation, is that what
20 it was?

21 Mr. Underwood: That was a violation.

22 The Court: This conviction wasn't a violation.
23 That was part of his criminal history but that was a
24 previous violation.

25 Mr. Underwood: There was a violation but I

1 believe it as a violation of a drug crime. There were
2 several drug crimes as well as an assault charge and some
3 harassment charges as well, Your Honor, all stemming from
4 the State of New York. That was the reason why the
5 substantive offense in this case were treated as second
6 or subsequent offenses rather than first offenses. Also,
7 Your Honor, the very nature of this charge, the danger
8 that's involved with trafficking activity, the amount of
9 involvement that Mr. Hunter had, I feel that those are
10 all appropriate reasons for the Court sentence to have
11 been what it was. I don't feel that there was any new
12 information that would change the Court's ...

13 The Court: Did he give you copies of the
14 affidavits?

15 Mr. Underwood: He gave me some today, Your
16 Honor. I have had a chance to review those. Again, I
17 won't speak for the Court, but I don't see any new
18 information that was not, at least in some way already
19 expressed by Ms. Johns at the initial sentencing hearing.
20 Based on the fact that there is no new information for
21 the Court to consider, the fact that the sentence that
22 was given by the Court at the end of the trial is an
23 appropriate one. I feel the sentence should stand as it
24 is.

25 The Court: Anything further Mr. Owensby?

1 Mr. Owensby: One quick thing that I'd like to
2 clarify. It's Mr. Hunter's contention that his only
3 previous cocaine charge was one possession of drug charge
4 in 2007 so I'd like to clarify that it's not ...

5 The Court: Have you looked at his NCIC to see
6 what's on there? I have that he had a controlled
7 substance possession in New York, that was within the
8 last ten years. And that was the subject of the
9 enhancement. There was another one outside the ten years
10 and that was not considered for enhancement. Then he had
11 a weapons charge, which was a violation of his probation
12 or parole with a controlled substance charge in New York.
13 That the firearm, some issue about joint possession that
14 there was an arrest but not a conviction.

15 Mr. Owensby: Again, we would just like to
16 reemphasize the difference in terms what it would mean to
17 the community, his children and his potential future
18 after rehabilitation in that a 25 year sentence, based on
19 his age, I think is substantially different than a 35
20 year sentence in that coming out at that time gives him a
21 much more realistic opportunity to rejoin society to
22 become a productive member of society and be a support
23 system for his children. Also, for the record, I just
24 want to thank Mr. Underwood and the attorney general's
25 office and, Your Honor, for allowing us to be here today

1 and giving Mr. Hunter a chance.

2 The Court: Anything further from the State?

3 Mr. Underwood: Nothing further, Your Honor.

4 The Court: Y'all give me just a moment. Y'all
5 can sit down if you'd like while I read these affidavits.
6 I notice on the State's response, on May 8th, we also had
7 a hearing where the offers were presented to each
8 Defendant and I fully explained to them the scope and
9 nature of their offers before they rejected them. If my
10 memory serves me correctly, Mr. Underwood, I assume you
11 can look at the transcript, but I told them at that time
12 the trial date and where he would be tried in his
13 absence. I'm going to pull that transcript as well
14 because I would like to see it rather than rely on my
15 memory. If the court reporter hasn't transcribed it then
16 I'm going to get the audio and listen to it. That really
17 would have been the whole purpose in a case of this
18 magnitude to have status conference and to make sure that
19 everybody knew when their case was scheduled and when
20 they needed to be here. I'm a bit of a stickler about
21 trial in absence. Like I said, I can't count on one hand
22 how many times I've done them. Just because I feel like
23 time is on the State's side and they can track somebody
24 down but this situation would have been different for me
25 especially where I would have notified him to be present

1 and he would not have appeared. Give me a few minutes.

2 I would like to read what you have submitted to me.

3 Just so I'm clear, Mr. Owensby, the only
4 indictment you are seeking a modification for is Count
5 One where it's the 35 year sentence?

6 Mr. Owensby: Yes, Your Honor. Thank you, Your
7 Honor.

8 The Court: Did he have any pre-time?

9 Mr. Underwood: Your Honor, as to the time
10 served, I'm not sure. I do not recall the date he was
11 first brought into custody. In looking through the
12 paperwork that I do have in front of me. The indictment
13 was true billed in April of 2016 and it's my
14 understanding that he made bond in December of 2016. So,
15 I'm not sure how long it was, it was less than 10 months.

16 The Court: I was just curious if there was any
17 detention time before he got bond. If my memory is
18 accurate, I would think that and I did not realize --- It
19 appears from my notes on May 8th that, in fact, Mr.
20 Hunter and not just him but it was the other defendants
21 as well and at that time I don't remember if anybody else
22 rejected their plea offer at that time, I suspect there
23 were. The other gentlemen plead guilty. I don't have the
24 notes with me but he plead guilty well in advance of the
25 trial date, but he did appear in Court on May 8th of

1 2017. At that time, I did advise him under oath of the
2 charges he was facing, the range as well as the offer and
3 at that time he rejected the offer. I, at that time
4 advised him that his case was set for a day certain on
5 July 24th of 2017. I also advised him of his right to be
6 present for trial and I also advised him that if he
7 failed to appear that he would be tried in his absence.
8 Then subsequently we had the pretrial status conference
9 on July 19th of 2017 and we did those motions it looks
10 like a week in advance of trial. At that time, when he
11 failed to appear at 9:00 after notice from Ms. Johns, I
12 gave her that time frame between the 19th and the 24th to
13 try to locate him and make every effort to locate him in
14 an effort to eliminate the potential of him being tried
15 in his absence. And, I did not issue a bench warrant
16 until the 19th, which was the day that we started trial.
17 At that time, Ms. Johns consistent with her ethical
18 requirement indicated to the Court that she was prepared
19 to go forward.

20 You know the benefit of having a State Grand
21 Jury case is you have it from the beginning and so I
22 managed my State Grand Jury cases and there would have
23 been multiple status conferences. I would have kept
24 track of discovery being completed and provided to make
25 sure that the people were ready for trial. So, this is

1 not a typical sort of a GS case where, you know, and I
2 don't mean to use this term lightly, hit or miss as to
3 whether discovery had been completed or if there was more
4 discovery to be done it would have been to make sure
5 everything was turned over. If I recall, maybe there was
6 some evidence that they needed to look at in Columbia but
7 I can't remember. I might be wrong. I might be thinking
8 of something else. In any event, it was a year
9 preparation. Mr. Parks, do you remember?

10 Mr. Parks: I can look. It will take me a
11 moment, Your Honor.

12 The Court: It's okay.

13 Mr. Underwood: It would have been close to
14 that, Your Honor. Usually Court Administration starts
15 that ball rolling when the indictment is --- and that was
16 in April of 2016.

17 The Court: I think it was assigned in June
18 maybe or May. It looks like it was assigned to me in May
19 2016 and then we didn't go to trial until April, more
20 than a year later. So we would have been on a more than
21 adequate schedule to be prepared for trial. We had a
22 year to be prepared and ready for trial.

23 I've considered the Motion for reconsideration
24 and I'm going to amend the sentence to Twenty-Five (25)
25 years and \$200,000.00 suspended upon service of Twenty-

1 Five years and they will still remain concurrent and he
2 will get credit pursuant to 24-13-40 to be calculated by
3 the Department of Corrections.

4 Mr. Owensby, many of the letters that you
5 provided indicate or they imply that your client needs
6 some drug treatment, is that accurate?

7 Mr. Owensby: Yes, Your Honor.

8 The Court: Then I will order the ATU if it's
9 available to him.

10 Mr. Owensby: Thank you, Your Honor.

11 The Court: Thank you very much.

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CERTIFICATE

This is to certify that the Hearing in the matter of State of South Carolina v. Justin Gordon Hunter, consisting of Twenty-Nine (29) pages is a true and correct transcript, with Backup.

I further certify that I am not employed by any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 10th of July, 2019.


Melissa R. Singletary

Melissa R. Singletary
Certified Court Reporter

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA

VS.

JUSTIN GORDON HUNTER,

(A.K.A. "MO"),

EMORY WARREN ROBERTS,

(A.K.A. "Q"),

FNU LNU (A.K.A. "KEITH"),

ROSEMARY QUEZADA,

(A.K.A. "CI CI"),

(A.K.A. "CHICKA"),

LASSIAN DIXON JOHNSON,

(A.K.A. "G")(A.K.A. "BG"),

WILLIAM ORLANDO BROWN, IV,

(A.K.A. "WILL"),

DEFENDANTS.

CASE NO. **2016-GS-47-02****INDICTMENT FOR
UNLAWFUL DRUGS****TRAFFICKING IN ILLEGAL
DRUGS**(HEROIN, 28 GRAMS OR MORE)
(CONSPIRACY)S.C. Code Ann. § 44-53-370 (e)(3)(c)
(1 Count)**TRAFFICKING IN ILLEGAL
DRUGS (HEROIN, 4-14 GRAMS)**
S.C. Code Ann. § 44-53-370(e)(3)(a)
(3 Counts)**TRAFFICKING IN ILLEGAL
DRUGS (HEROIN, 14-28 GRAMS)**
S.C. Code Ann. § 44-53-370(e)(3)(a)
(2 Counts)

J TAM 4/12/16

DISTRIBUTION OF HEROIN
S.C. Code Ann. § 44-53-370 (b)(1)
(5 Counts)**DISTRIBUTION OF
METHAMPHETAMINE**
S.C. Code Ann. § 44-53-375(B)
(1 Count)**POSSESSION OF A FIREARM
DURING COMMISSION OF OR
ATTEMPT TO COMMIT A
VIOLENT CRIME**
S.C. Code Ann. § 16-23-490
(1 Count)**TRAFFICKING COCAINE,
100 - 200 GRAMS**
S.C. Code Ann. § 44 53 370(e)(2)(c)
(1 Count)**FILED**
APRIL 13 2016
James R. Parks
CLERK, STATE GRAND JURY

) POSSESSION WITH INTENT TO
) DISTRIBUTE HEROIN
) S.C. Code Ann. § 44-53-370 (b)(1)
) (1 Count)
)
) POSSESSION WITH INTENT TO
) DISTRIBUTE
) METHAMPHETAMINE
) S.C. Code Ann. § 44-53-375(B)
) (1 Count)

At a session of the State Grand Jury of South Carolina, convened in Columbia, South Carolina, on April 12, 2016, the State Grand Jurors present upon their oath:

COUNT ONE
TRAFFICKING IN ILLEGAL DRUGS (HEROIN, 28 GRAMS OR MORE)
(CONSPIRACY)
S.C. Code Ann. § 44-53-370 (e)(3)(c)

That JUSTIN GORDON HUNTER (A.K.A. "MO"), EMORY WARREN ROBERTS (A.K.A. "Q"), FNU LNU (A.K.A. "KEITH"), ROSEMARY QUEZADA (A.K.A. "CI CI") (A.K.A. "CHICKA"), LASSIAN DIXON JOHNSON (A.K.A. "G") (A.K.A. "BG"), WILLIAM ORLANDO BROWN, IV (A.K.A. "WILL"), and other persons whose names are both known and unknown to the State Grand Jury, did in Berkeley County and Dorchester County, South Carolina, from January 1, 2015 to the present, knowingly and intentionally provide financial assistance or otherwise aid, abet, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State twenty eight (28) grams or more of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

T H M C
 4-12-16

COUNT TWO
TRAFFICKING IN ILLEGAL DRUGS (HEROIN, 4-14 GRAMS)
S.C. Code Ann. § 44-53-370(e)(3)(a)

That JUSTIN GORDON HUNTER (A.K.A. "MO") did in Berkeley County, on or about September 30, 2015, knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State or knowingly become in actual or constructive possession or knowingly attempt to become in actual or constructive possession of four (4) grams or more but less than fourteen (14) grams of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT THREE
TRAFFICKING IN ILLEGAL DRUGS (HEROIN, 14-28 GRAMS)
S.C. Code Ann. § 44-53-370(e)(3)(a)

TM 4/12/16

That JUSTIN GORDON HUNTER (A.K.A. "MO") did in Berkeley County, on or about October 28, 2015, knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State or knowingly become in actual or constructive possession or knowingly attempt to become in actual or constructive possession of fourteen (14) grams or more but less than twenty eight (28) grams of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT FOUR
DISTRIBUTION OF HEROIN
S.C. Code Ann. § 44-53-370 (b)(1)

That JUSTIN GORDON HUNTER (A.K.A. "MO"), did in Berkeley County, on or about December 14, 2015, knowingly and intentionally, distribute, dispense, and/or deliver; or did aid, abet, attempt, or conspire to distribute, dispense, and/or deliver, a quantity of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT FIVE
DISTRIBUTION OF HEROIN
S.C. Code Ann. § 44-53-370 (b)(1)

That JUSTIN GORDON HUNTER (A.K.A. "MO"), did in ^{Berkeley 4/12/14 Tdn} ~~Dorchester~~ County, on or about January 14, 2016, knowingly and intentionally, distribute, dispense, and/or deliver; or did aid, abet, attempt, or conspire to distribute, dispense, and/or deliver, a quantity of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT SIX
DISTRIBUTION OF METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That JUSTIN GORDON HUNTER (A.K.A. "MO") and ROSEMARY QUEZADA (A.K.A. "CI CI") (A.K.A. "CHICKA") did in Berkeley County, on or about February 3, 2016, knowingly manufacture, distribute, dispense, deliver, purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT SEVEN
TRAFFICKING COCAINE, 100 - 200 GRAMS
S.C. Code Ann. § 44-53-370(e)(2)(c)

That ROSEMARY QUEZADA (A.K.A. "CI CI") (A.K.A. "CHICKA") and LASSIAN DIXON JOHNSON (A.K.A. "G") (A.K.A. "BG") did, in Berkeley County, on or about February 8, 2016, knowingly possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to possess (actually or constructively), sell, manufacture, deliver, purchase, or bring into this State, one hundred (100) grams or more but less than two hundred (200) grams of cocaine, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT EIGHT
POSSESSION WITH INTENT TO DISTRIBUTE HEROIN
S.C. Code Ann. § 44-53-370 (b)(1)

That ROSEMARY QUEZADA (A.K.A. "CI CI") (A.K.A. "CHICKA") and LASSIAN DIXON JOHNSON (A.K.A. "G") (A.K.A. "BG") did, in Berkeley County, on or about February 8, 2016, knowingly manufacture, distribute, dispense, deliver, purchase or aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to manufacture, distribute, dispense or deliver a quantity of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT NINE
TRAFFICKING IN ILLEGAL DRUGS (HEROIN, 4-14 GRAMS)
S.C. Code Ann. § 44-53-370(e)(3)(a)

That LASSIAN DIXON JOHNSON (A.K.A. "G") (A.K.A. "BG") did in Berkeley County, on or about September 25, 2015, knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State or knowingly become in actual or constructive possession or knowingly attempt to become in actual or constructive possession of four (4) grams or more but less than fourteen (14) grams of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT TEN
TRAFFICKING IN ILLEGAL DRUGS (HEROIN, 14-28 GRAMS)
S.C. Code Ann. § 44-53-370(e)(3)(a)

b THM 4-12-16

That FNU LNU (A.K.A. "KEITH") did in Berkeley County, on or about October 19, 2015, knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State or knowingly become in actual or constructive possession or knowingly attempt to become in actual or constructive possession of fourteen (14) grams or more but less than twenty eight (28) grams of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT ELEVEN
DISTRIBUTION OF HEROIN
S.C. Code Ann. § 44-53-370 (b)(1)

That EMORY WARREN ROBERTS (A.K.A. "Q"), did in Berkeley County, on or about January 7, 2016, knowingly and intentionally, distribute, dispense, and/or deliver; or did aid, abet, attempt, or conspire to distribute, dispense, and/or deliver, a quantity of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT TWELVE
DISTRIBUTION OF HEROIN
S.C. Code Ann. § 44-53-370 (b)(1)

*Amc
4-12-16*

That EMORY WARREN ROBERTS (A.K.A. "Q") and WILLIAM ORLANDO BROWN, IV (A.K.A. "WILL"), did in Berkeley County, on or about January 19, 2016, knowingly and intentionally, distribute, dispense, and/or deliver; or did aid, abet, attempt, or conspire to distribute, dispense, and/or deliver, a quantity of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT THIRTEEN
DISTRIBUTION OF HEROIN
S.C. Code Ann. § 44-53-370 (b)(1)

That EMORY WARREN ROBERTS (A.K.A. "Q"), did in Berkeley County, on or about February 2, 2016, knowingly and intentionally, distribute, dispense, and/or deliver; or did aid, abet, attempt, or conspire to distribute, dispense, and/or deliver, a quantity of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT FOURTEEN
TRAFFICKING IN ILLEGAL DRUGS (HEROIN, 4-14 GRAMS)
S.C. Code Ann. § 44-53-370(e)(3)(a)

That EMORY WARREN ROBERTS (A.K.A. "Q") did in Berkeley County, on or about February 8, 2016, knowingly sell, manufacture, cultivate, deliver, purchase, or bring into this State, or provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State or knowingly become in actual or constructive possession or knowingly attempt to become in actual or constructive possession of four (4) grams or more but less than fourteen (14) grams of heroin, a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT FIFTEEN
POSSESSION OF A FIREARM DURING COMMISSION OF OR ATTEMPT TO
COMMIT A VIOLENT CRIME
S.C. Code Ann. § 16-23-490

That EMORY WARREN ROBERTS (A.K.A. "Q") did in Berkeley County, on or about February 8, 2016, possess or visibly display a firearm during the commission of or attempt to commit a violent crime to wit: TRAFFICKING IN ILLEGAL DRUGS (HEROIN), in violation of § 16-23-490, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

COUNT SIXTEEN
POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE
S.C. Code Ann. § 44-53-375(B)

That EMORY WARREN ROBERTS (A.K.A. "Q") did in Berkeley County, on or about February 8, 2016, knowingly manufacture, distribute, dispense, deliver, purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to distribute, dispense, or deliver methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws of South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

Against the peace and dignity of the State and contrary to the statute in such case made and provided.

A True Bill

FOREMAN


 ALAN WILSON (jru)
 ATTORNEY GENERAL

JUL 18 2018

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

BERKELEY

JAMES R. PARKS
CLERK, STATE GRAND JURY

STATE

VS.

INDICTMENT/CASE#: 2016-GS-47 -02 (Count 1)

JUSTIN GORDON HUNTER

A/W#: Direct Presentment

AKA: "MO"

Date of Offense: 1/1/2015 - 4/12/2016

Race: B

Sex: M

Age: 33

S.C. Code §: 44-53-370(e)(3)(c)

DOB: [REDACTED]

SS#: [REDACTED]

CDR Code #: 0149

Address:

City, State, Zip:

DL#

* SID#

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: TRAFFICKING ILLEGAL DRUGS (Heroin) 28 GRAMS OR MORE(CONSPIRACY)

In violation of § 44-53-370(e)(3)(c) of the S.C. Code of Laws, bearing CDR Code # 0149

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

76207

Assistant Attorney General

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 35 days/months/years or ☐ under the Youthful Offender Act not to exceed 35 years

and/or to pay a fine of \$200,000; provided that upon the service of 35 days/months/years and or payment

of \$ [blank]; plus costs and assessments as applicable*; the balance is suspended with probation for [blank] months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all by 7/28/17☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ [blank] plus 20% fee: \$ [blank]

[blank] days/hours Public Service Employment

Payment Terms: [blank]

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. [blank]

Recipient: [blank]

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

\$ [blank]

\$14-1-206 (Assessments 107.5%) \$ [blank]

\$14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

\$14-1-211 (A)(2)(DUI Surcharge) \$100 \$ [blank]

\$56-5-2995 (DUI Assessment) \$12 \$ [blank]

\$56-1-286 (DUI Breath Test) \$25 \$ [blank]

Proviso 61.6 (Public Def/Probation) \$500 \$ [blank]

\$14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

\$14-1-213 (Drug Court Surcharge) \$150 \$ 150.00

\$50-21-114 (BUI Breath Test Fee) \$50 \$ [blank]

\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ [blank]

3% to County (if paid in installments) \$ 8.25

TOTAL \$ 283.25

Clerk of Court/Deputy Clerk

Court Reporter:

James R. Parks
Demarc LondonRandom Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ [blank] Beginning [blank]

\$ [blank] Paid to Public Defender Fund

Other: [blank]

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 128

Sentence Date

Plea Accepted Date(if different): [blank]

FILED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

BERKELEY

JUL 18 2018

STATE

JAMES R. PARKS
CLERK, STATE GRAND JURY

INDICTMENT/CASE#: 2016-GS-47 -02 (Count 2)

VS.

JUSTIN GORDON HUNTER

A/W#: Direct Presentment

AKA: "MO"

Date of Offense: 9/30/2015

Race: B

Sex: M

Age: 33

S.C. Code §: 44-53-370(e)(3)(a)

DOB: [REDACTED]

SS#: [REDACTED]

CDR Code #: 2361

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#

* SID#

SENTENCE SHEET*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: TRAFFICKING ILLEGAL DRUGS (Heroin) 4-14 GRAMS, 2nd Offense

In violation of § 44-53-370(e)(3)(a)(2) of the S.C. Code of Laws, bearing CDR Code # 2361

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

76207

Assistant Attorney General

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 25 days/months/years or ☐ under the Youthful Offender Act not to exceed 25 years and/or to pay a fine of \$ 100,000; provided that upon the service of 25 days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all of 7/28/17☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: Obtain GED ☐☐ Set by SCDPPPSAttend Voc. Rehab. Or Job Corp. Recipient: May serve W/E beginning
Substance Abuse Counseling ☐

*Fine:

\$14-1-206 (Assessments 107.5%) \$ \$14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00\$14-1-211 (A)(2)(DUI Surcharge) \$100 \$ \$56-5-2995 (DUI Assessment) \$12 \$ \$56-1-286 (DUI Breath Test) \$25 \$ Proviso 61.6 (Public Def/Probation) \$500 \$ \$14-1-212 (Law Enforce. Funding) \$25 \$ 25.00\$14-1-213 (Drug Court Surcharge) \$150 \$ 150.00\$50-21-114 (BUI Breath Test Fee) \$50 \$ \$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 3% to County (if paid in installments) \$ 8.25**TOTAL**

Clerk of Court/Deputy Clerk

Court Reporter:

James R. Parks
Dewese HarkerRandom Drug/Alcohol Testing ☐
Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ Beginning
\$ Paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.Presiding Judge Judge Code: 2120Sentence Date 7/28/17Plea Accepted Date(if different):

FILED

JUL 18 2018

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

COUNTY OF

BERKELEY

STATE

JAMES R. PARKS
CLERK, STATE GRAND JURY

INDICTMENT/CASE#: 2016-GS-47 -02 (Count 3)

VS.
JUSTIN GORDON HUNTER

AKA: "MO"

Race: B Sex: M Age: 33

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip:

DL# * SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: TRAFFICKING ILLEGAL DRUGS (Heroin) 14-28 GRAMS

In violation of § 44-53-370(e)(3)(b) of the S.C. Code of Laws, bearing CDR Code # 0287

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Assistant Attorney General

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 25 days/months/years or ☐ under the Youthful Offender Act not to exceed 25 years
and/or to pay a fine of \$ 200,000; provided that upon the service of 25 days/months/years and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning
Substance Abuse Counseling ☐

*Fine: \$ _____

Random Drug/Alcohol Testing ☐

§14-1-206 (Assessments 107.5%) \$ _____

Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

pmts. of \$ _____ Beginning _____

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____

\$ _____ Paid to Public Defender Fund

§56-5-2995 (DUI Assessment) \$12 \$ _____

§56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§14-1-213 (Drug Court Surcharge) \$150 \$ 150.00

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 8.25

TOTAL

\$ 383.25

Clerk of Court/Deputy Clerk

Court Reporter:

James R. Parks
Denise Lander

Presiding Judge

Judge Code: 2128Sentence Date 7/28/17

Plea Accepted Date(if different): _____

FILED

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

COUNTY OF

BERKELEY

JUL 18 2018

STATE

VS.

JUSTIN GORDON HUNTER

JAMES R. PARKS
CLERK, STATE GRAND JURY

INDICTMENT/CASE#: 2016-GS-47 -02 (Count 4)

AKA: "MO"

Race: B

Sex: M

Age: 33

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#

* SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: DISTRIBUTION OF HEROIN, 2ND OFFENSE

AW# Direct Presentment

Date of Offense: 12/14/2015

S.C. Code §: 44-53-370(b)(1)

CDR Code #: 0184

SENTENCE SHEET☒ CONVICTED OF or ☐ PLEADS

In violation of § 44-53-370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0184

☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

76207

Assistant Attorney General

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☐ County Detention Center,
for a determinate term of 25 days/months/years or ☐ under the Youthful Offender Act not to exceed 25 years
and/or to pay a fine of \$ 59,000 provided that upon the service of 25 days/months/years and or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.**SPECIAL CONDITIONS:**☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: Obtain GED ☐☐ Set by SCDPPPSAttend Voc. Rehab. Or Job Corp. Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

§14-1-206 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ <u>100.00</u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ <u>100.00</u>
§56-5-2995 (DUI Assessment)	\$12	\$ <u>12.00</u>
§56-1-286 (DUI Breath Test)	\$25	\$ <u>25.00</u>
Proviso 61.6 (Public Def/Probation)	\$500	\$ <u>500.00</u>
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$ <u>150.00</u>
§50-21-114 (BUI Breath Test Fee)	\$50	\$ <u>50.00</u>
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ <u>8.00</u>
3% to County (if paid in installments)	\$	\$ <u>8.53</u>

TOTAL\$ 283.25

Clerk of Court/Deputy Clerk

Court Reporter: Denise Kander

Presiding Judge

Judge Code: 2128Sentence Date: 7/28/17Plea Accepted Date(if different):

JUL 18 2018

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

BERKELEY

JAMES R. PARKS
CLERK, STATE GRAND JURY

STATE

VS.

JUSTIN GORDON HUNTER

AKA: "MO"

Race: B

Sex: M

Age: 33

DOB: [REDACTED]

SS#: [REDACTED]

Address:

City, State, Zip:

DL#

* SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

INDICTMENT/CASE#: 2016-GS-47 -02 (Count 5)

AW#: Direct Presentment

Date of Offense: 1/14/2016

S.C. Code §: 44-53-370(b)(1)

CDR Code #: 0184

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was
TO: DISTRIBUTION OF HEROIN, 2ND OFFENSE☒ CONVICTED OF or ☐ PLEADS

In violation of § 44-53-370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0184

☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

John R. Parks 76207

Assistant Attorney General

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
for a determinate term of 25 days/months/years or ☐ under the Youthful Offender Act not to exceed 25 years
and/or to pay a fine of \$ 50,000; provided that upon the service of 25 days/months/years and or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 25
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine: \$

Random Drug/Alcohol Testing ☐

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

\$100

§14-1-211 (A)(2)(DUI Surcharge)

\$100

§56-5-2995 (DUI Assessment)

\$12

§56-1-286 (DUI Breath Test)

\$25

Proviso 61.6 (Public Def/Probation)

\$500

§14-1-212 (Law Enforce. Funding)

\$25

§14-1-213 (Drug Court Surcharge)

\$150

§50-21-114 (BUI Breath Test Fee)

\$50

§56-5-2942(J) (Vehicle Assessment)

\$40/ea

3% to County (if paid in installments)

\$

TOTAL

\$

Clerk of Court/Deputy Clerk
Court Reporter:*James R. Parks*☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code: 2178

Sentence Date 7/28/17

Plea Accepted Date(if different):

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

BERKELEY

STATE

VS.

JUSTIN GORDON HUNTER

AKA: "MO"

Race: B

Sex: M

Age: 33

DOB: [REDACTED]

SS#: [REDACTED]

Address:

City, State, Zip:

DL#

* SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

INDICTMENT/CASE#: 2016-GS-47 -02 (Count 6)

A/W#: Direct Presentment

Date of Offense: 2/3/2016

S.C. Code §: 44-53-375(B)(1)

CDR Code #: 3199

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: DISTRIBUTION OF METHAMPHETAMINE, 2ND OFFENSE

In violation of § 44-53-375(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3199

☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

76207

Assistant Attorney General

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,for a determinate term of 25 days/months/years or ☐ under the Youthful Offender Act not to exceed 25 years

and/or to pay a fine of \$50,000; provided that upon the service of 25 days/months/years and or payment

of \$ [REDACTED]; plus costs and assessments as applicable*; the balance is suspended with probation for 25 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ [REDACTED] plus 20% fee: [REDACTED] \$ [REDACTED]

[REDACTED] days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. [REDACTED]

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

§14-1-206 (Assessments 107.5%) \$ [REDACTED]

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ [REDACTED]

§56-5-2995 (DUI Assessment) \$12 \$ [REDACTED]

§56-1-286 (DUI Breath Test) \$25 \$ [REDACTED]

Proviso 61.6 (Public Def/Probation) \$500 \$ [REDACTED]

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ 150.00

§50-21-114 (BUI Breath Test Fee) \$50 \$ [REDACTED]

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ [REDACTED]

3% to County (if paid in installments) \$ 9.25

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

\$ 283.25

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ [REDACTED] Beginning [REDACTED]

\$ [REDACTED] Paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 428

Sentence Date 7/28/17

Plea Accepted Date(if different):

FILED

JUL 18, 2018

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

BERKELEY

JAMES R. PARKS
CLERK, STATE GRAND JURY

STATE

VS

INDICTMENT/CASE#: 2016-GS-47 -02 (Count 1)

JUSTIN CORREIA HUNTER

AW#: Direct Presentment

AKA: JIM

Date of Offense: 1/1/2015 - 4/12/2016

Race

Sex: M

Age: 33

S.C. Code §: 44-53-370(e)(3)(c)

DOB: 01/01/1985

CDR Code #: 0149

Address:

City, State, Zip:

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: TRAFFICKING ILLEGAL DRUGS (Heroin) 28 GRAMS OR MORE(CONSPIRACY)

In violation of § 44-53-370(e)(3)(c) of the S.C. Code of Laws, bearing CDR Code # 0149

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor ☐ ~~12-14-15~~)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment (Grand Jury) (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the Court

ATTEST:

Assistant Attorney General SC Bar # 76207

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ Correctional Center;for a determinate term of 25 months/years or ☐ under the Youthful Offender Act not to exceed 25 years and/or to pay a fine of \$200.00; provided that upon the service of 25 days/months/years and or payment of \$200.00; plus costs and assessments as applicable; the balance is suspended with probation for 25 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all the 7/28/17☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

\$14-1-206 (Assessments 107.5%)

\$14-1-211 (A)(1)(Conv. Surcharge)

\$14-1-211 (A)(2)(DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$56-1-286 (DUI Breath Test)

Proviso 61.6 (Public Def/Probation)

\$14-1-212 (Law Enforce. Funding)

\$14-1-213 (Drug Court Surcharge)

\$50-21-114 (BUI Breath Test Fee)

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

James R. Parks
Doreen LondonRandom Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 21280

Sentence Date 7/28/17

Plea Accepted Date(if different):

SCCA/217 (07/2016)

Sentence Amended 3/11/19 pursuant to Defendant's Motion For Reconsideration of Sentence after a full hearing.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Aug 04 2020

SC Court of Appeals

s/ Joanna K. Delany

Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 4th day of August, 2020.