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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JONATHAN ART LINCOLN,

APPELLANT.

APPELLATE CASE NO. 2021-000863

RECORD ON APPEAL

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INDEX

INDEX i

TRIAL TRANSCRIPT DATED JULY 22-23, 2021,..... 1

JURY SELECTION 14

OPENING STATEMENT BY MR. WEEKS 31

OPENING STATEMENT BY MS. HAYES 39

TESTIMONY

BRANDON KNIGHT 40

FRANCES PALMER 64

COLT WOODY 81

AGNIESZKA FERRELL 87

AMBER COLLINS 99

BRANDON KNIGHT 116

STATE RESTS 117

MOTION FOR DIRECTED VERDICT 117

COURT'S RULING 119

TESTIMONY

JONATHAN LINCOLN 127

DEFENSE RESTS 160

RENEWED MOTION FOR DIRECTED VERDICT 160

COURT'S RULING 162

CLOSING ARGUMENT BY MS. HAMMACK 169

CLOSING ARGUMENT BY MS. HAYES 194

REPLY ARGUMENT BY MS. HAMMACK.....201

CHARGE ON THE LAW 203

VERDICT 220

SENTENCING 228

INDICTMENTS 231

SENTENCE SHEETS 237

CERTIFICATE OF COUNSEL 243

THE FOLLOWING DOCUMENTS ARE ON FILE WITH THIS COURT:

STATE'S EXHIBIT NO. 1 (KNIGHT DASH CAM VIDEO) AND STATE'S EXHIBIT NO. 12 (PALMER DASH CAM VIDEO)

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APPELLATE CASE NO. 2021-000863

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above referenced case has been served upon William M. Blitch, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Jonathan A. Lincoln, #285492, at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 2nd day of March, 2022.

s/ Lara M. Caudy _____
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ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA	
	COURT OF GENERAL SESSIONS
COUNTY OF AIKEN	2020-GS-02-02096
	2020-GS-02-02097
	2020-GS-02-02098
	2020-GS-02-02099
	2020-GS-02-02100
THE STATE,	
PLAINTIFF,	
vs.	TRANSCRIPT OF RECORD
JONATHAN A. LINCOLN,	
DEFENDANT.	

July 22-23, 2021
Aiken, South Carolina

B E F O R E:

THE HONORABLE JOCELYN J. NEWMAN, JUDGE.

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

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Attorneys for the Defendant

Proceedings Recorded by DCRP
Transcribed by Penny M. Johnson

2

I N D E X

(PW) - Denotes Plaintiff's Witness
(DW) - Denotes Defense Witness

	Page No.
Jury Selection.....	14
Opening Remarks by the Court.....	24
Opening Statement by the State.....	31
Opening Statement by the Defense.....	39
(PW) BRANDON KNIGHT:	
Direct Examination by Mr. Weeks.....	40
Cross-Examination by Ms. Hayes.....	61
Redirect Examination by Mr. Weeks.....	62
(PW) ASHLEY PALMER:	
Direct Examination by Ms. Hammack.....	64
Cross-Examination by Ms. Hayes.....	79
(PW) COLT WOODY:	
Direct Examination by Mr. Weeks.....	81
Cross-Examination by Ms. Hayes.....	85
(PW) AGNIESZKA FERRELL:	
Direct Examination by Ms. Hammack.....	87
Cross-Examination by Ms. Hayes.....	98
(PW) AMBER COLLINS:	
Direct Examination by Ms. Hammack.....	99
(PW) BRANDON KNIGHT:	
Direct Examination by Mr. Weeks.....	116
(DW) JONATHAN LINCOLN:	
Direct Examination by Ms. Hayes.....	127
Cross-Examination by Mr. Weeks.....	144
Closing Argument by the State.....	169
Closing Argument by the Defense.....	194
Further Closing Argument by the State.....	201
Charge on the Law by the Court.....	203
Verdict.....	220
Sentence of the Court.....	228

E X H I B I T S

NO.	DESCRIPTION	ID.	EVD.
	(Plaintiff's Exhibits)		
1	Dash Cam (Knight)		47
2	Route of pursuit		48
3	Disk		48
4	Alcohol Bottle		54
5	Scales		54
6	Baggies		54
7	Pill Bottle		55
8	Pill Bottle		55
9	Bags		55
10	Photograph of Shotgun		53
11	Registration		56
12	Dash Cam (Palmer)		77
13	Body Cam (Ferrell)		94
14	Cocaine (.96 grams)		113
15	Cocaine (.60 grams)		113
16	Methamphetamine (47 grams)		111
17	Methamphetamine (1.53 grams)		112
18	Heroin (1.49 grams)		114

All Exhibits were retained by the Clerk of Court for Aiken County.

4

P R O C E E D I N G S

(WHEREUPON, jury venire panel was sworn.)

THE COURT: Good morning, ladies and gentlemen. I'm sorry to keep you waiting. You are here today for jury selection in the trial of a criminal case. I know I asked you a number of questions on Monday, but I'm going to ask you some different questions today that are more specific to your fitness to serve as jurors for the trial of this particular case. We are beginning the State of South Carolina vs. Jonathan Art Lincoln, indictment 2020-GS-02-02096, 97, 98, 99 and 100.

So you've been placed under oath. I'm going to ask you a number of questions. We'll do just like we did on Monday, that is if you need to respond to any of the questions, I'm going to ask you to stand and give me your name and juror number.

This is a criminal case in which the Defendant is charged with five crimes. The crimes of trafficking methamphetamine, failure to stop for blue lights and sirens, possession with intent to distribute heroin, possession with intent to distribute cocaine and resisting arrest, all of which allegedly occurred on February 26th, 2020, here in Aiken County. And as I've told you, the person accused of those crimes is Jonathan Art Lincoln.

My first question is, does any member of the jury panel

know anything about this case or think that you know anything about this case? Think that you've heard about it, witnessed it, or have any information whatsoever? If so, please stand.

(There was no response.)

THE COURT: All right. The person accused of those crimes is Mr. Jonathan Art Lincoln.

Mr. Lincoln, would you please stand and face the jury panel.

(Defendant stood.)

THE COURT: Is there any member of the jury panel related by blood, connected by marriage or have any close personal relationship with Jonathan Art Lincoln? Do you think that you know him at all? If so, please stand.

(No response.)

THE COURT: Thank you. You may have a seat.

(Defendant is seated.)

THE COURT: Mr. Lincoln is represented in this case by two attorneys from the Public Defender's Office, Ms. Suzanne Hayes -- and I'm drawing a blank.

MR. THOMPSON: Mr. Barry Thompson.

THE COURT: Barry Thompson. I'm sorry, I do know his name. It just wouldn't come to me.

Is any member of the jury panel related by blood, connected by marriage or have any close personal

6

relationship with Mr. Thompson or Ms. Hayes? Are you currently represented by them or have you been represented by either of them in the past? Do you think that you know them at all? Or do you have any relationship whatsoever with the Aiken County or the Second Circuit Public Defender's Office? If so, please stand.

(No response.)

THE COURT: This matter is being prosecuted by the Aiken County Solicitor's Office. Ms. Ashley Hammack and --

Is Mr. Weeks involved in this?

MS. HAMMACK: He is, Your Honor.

MR. WEEKS: Yes, Your Honor.

THE COURT: Mr. Bill Weeks, who the elected solicitor.

Any member of the jury panel related by blood, connected by marriage or have any close personal relationship with Ms. Hammack or Mr. Weeks? Do you think that you know them at all? Or do you have any relationship whatsoever with the Second Circuit Solicitor's Office? That covers prosecution for Aiken, Bamberg and Barnwell Counties. If so, please stand.

(Jurors stood.)

THE COURT: All right. Let's start over here. Your name and juror number?

POTENTIAL JUROR: Juror No. 81.

THE COURT: Yes, sir, who do you know?

POTENTIAL JUROR: Mr. Weeks is a friend of mine. We don't socialize on a regular basis, but he's a friend.

THE COURT: Okay. So when you say you don't socialize, what kind of friendship is it and how often do you have contact?

POTENTIAL JUROR: I run into Bill probably once every three or four months or so.

THE COURT: Okay. So, like, you run into him out in the world and you chat for a while?

POTENTIAL JUROR: That's right.

THE COURT: Okay. But you don't maintain contact in between those encounters, do you?

POTENTIAL JUROR: No.

THE COURT: Based on the relationship you have with Mr. Weeks, would that affect your ability to give both the State and the Defendant a fair and impartial trial in this case?

POTENTIAL JUROR: No.

THE COURT: Thank you. You may have a seat.

Your name and juror number?

POTENTIAL JUROR: Number 29, Billy Campo.

THE COURT: Yes, sir.

POTENTIAL JUROR: I know Mr. Weeks. We're friends. We don't socialize that much, but we have in the past.

THE COURT: Okay. How long ago?

POTENTIAL JUROR: I can't recall. We see each other in

8

passing.

THE COURT: Okay. Has it been several months or a year or more than a year?

POTENTIAL JUROR: Probably about a year.

THE COURT: Okay. Would your relationship with Mr. Weeks affect your ability to give both the State and the Defendant a fair and impartial trial in this case?

POTENTIAL JUROR: No.

THE COURT: Thank you. You may have a seat.

MR. THOMPSON: Mr. Norwood Bodie is very helpful and a wonderful investigator. I would move for the Court to inquire about Mr. Bodie.

THE COURT: Mr. Bodie, would you stand and face the jury panel?

(Mr. Bodie stood.)

THE COURT: Mr. Bodie works for the Second Circuit Solicitor's Office as well.

Any member of the jury panel related by blood, connected by marriage or have any close personal relationship with Mr. Bodie? If so, please stand.

(Jurors stood.)

THE COURT: And that's Juror No. 29; is that correct?

POTENTIAL JUROR: Yes.

THE COURT: Tell me about your relationship with Mr. Bodie.

POTENTIAL JUROR: We used to work together. We're friends on social media and we talk occasionally.

THE COURT: Would that relationship affect your ability to give both the State and the Defendant a fair and impartial trial in this case?

POTENTIAL JUROR: No, ma'am.

THE COURT: Thank you. You may have a seat.

There are several potential witnesses who may testify in this case, and the question is the same as to each of them. And that's whether you're related by blood, connected by marriage or have any relationship with them.

Those potential witnesses are Brandon Knight of the Aiken County Sheriff's Office, who is standing before you; Clarke Palmer, Aiken County Sheriff's Office; Deputy Czekaj, Aiken County Sheriff's Office; Joseph Driscoll, Beaufort County Sheriff's Office; Amber Collins, Aiken County Sheriff's Office; and Colt Woody.

Does any member of the jury panel know any of those witnesses at all? If so, please stand.

(No response.)

THE COURT: Is any member of the jury panel a contributor toward -- do you contribute to any law enforcement organization or victim's rights organization, such as the State Trooper's Association or some other law enforcement friendly organization or State Victim's Rights

10

Association, Sister Care, any kind of organization like that? If so, please stand.

(Juror stood.)

THE COURT: Name and juror number, ma'am?

POTENTIAL JUROR: 162, Jennifer Salmon, National Correctional Police Officers Foundation.

THE COURT: Do you have any active membership role in that organization?

POTENTIAL JUROR: No, ma'am.

THE COURT: Would that affect your ability to give both the State and the Defendant a fair and impartial trial in this case?

POTENTIAL JUROR: No, ma'am.

THE COURT: Thank you. You may have a seat.

And Juror No. 81?

POTENTIAL JUROR: Yes, ma'am.

THE COURT: Okay. Tell me about it.

POTENTIAL JUROR: Through our business, we contribute to probably half a dozen sheriff and police organizations.

THE COURT: Okay. And you said through your business. Do you personally make contributions? Or is it a small business?

POTENTIAL JUROR: It's a small business, two partners, I'm one of the partners.

THE COURT: Okay. Would the fact that you make those

contributions affect your ability to give both the State and the Defendant a fair and impartial trial in this case?

POTENTIAL JUROR: No.

THE COURT: Thank you. You may have a seat.

Was any member of the jury panel a member of the Grand Jury which returned the indictments in this case? If so, please stand.

(No response.)

THE COURT: Has any member of the jury panel already formed an opinion about this case or the charges in this case? If so, please stand.

(No response.)

THE COURT: Does any member of the jury panel know of any reason whatsoever why they should not serve as a juror for the trial of this case? Is there any reason why you cannot give both the State and the Defendant a fair and impartial trial in this case? If so, please stand.

(No response.)

THE COURT: Has any member of the jury panel been accused of or been a victim of any crime? If so, please stand. You or any member of your immediate family? If so, please stand.

(No response.)

THE COURT: Has any member of the jury panel read anything about this case in the newspaper or seen anything

12

on TV or social media, heard anything at all about this case? If so, please stand.

(No response.)

THE COURT: Has any member of the jury panel discussed this case with anyone, been approached by anyone about this case? If so, please stand.

(No response.)

THE COURT: Is any member of the jury panel or any of your close friends or immediate family involved in law enforcement? That is the State Law Enforcement Division, SLED, employed at the Solicitor's Office, the Attorney General's Office, any federal law enforcement agency, state, county or city law enforcement agency. If so, please stand.

(Jurors stood.)

THE COURT: Yes, ma'am, your juror number again?

POTENTIAL JUROR: 162, Jennifer Salmon.

THE COURT: Yes, ma'am.

POTENTIAL JUROR: My husband is a federal correctional officer.

THE COURT: Okay. Would that affect your ability to give both the State and Defendant a fair and impartial trial in this case?

POTENTIAL JUROR: No.

THE COURT: Thank you. You may have a seat.

Yes, ma'am, your name and juror number?

POTENTIAL JUROR: Juror No. 41, Ta'Nauziah Corley. I have an uncle that's a sheriff and works at the jail.

THE COURT: Where is your uncle a sheriff?

POTENTIAL JUROR: Aiken County.

THE COURT: Would that affect your ability to -- what's your uncle's name?

POTENTIAL JUROR: Milton Brown.

THE COURT: Would that affect your ability to give both the State and the Defendant a fair and impartial trial in this case?

POTENTIAL JUROR: No, ma'am.

THE COURT: Thank you. You may have a seat.

In the white shirt, your name and juror number?

POTENTIAL JUROR: 43, Thea Court, and my brother-in-law is a police officer with the City of North Augusta.

THE COURT: Would that affect your ability to give both the State and the Defendant a fair and impartial trial in this case?

POTENTIAL JUROR: No, ma'am.

THE COURT: Thank you. You may have a seat.

Your name and juror number, please?

POTENTIAL JUROR: Valerie Sumner, 176. My son is a South Carolina DNR Wildlife officer.

THE COURT: Would that affect your ability to give both the State and the Defendant a fair and impartial trial in

14

this case?

POTENTIAL JUROR: No.

THE COURT: Thank you. You may have a seat.

Any additional voir dire from the State?

MS. HAMMACK: No, Your Honor.

THE COURT: From the Defense?

MS. HAYES: None from the Defense, Your Honor.

THE COURT: All right, folks. If y'all will sit tight for just a moment, we are going to place your names in random order and select the jury for the trial of this case.

(Pause.)

THE COURT: Juror No. 81, yes, sir?

POTENTIAL JUROR: Can I talk to you privately for just a second?

THE COURT: Certainly, come around here.

(Bench conference with Juror No. 81 and attorneys.)

THE COURT: Let's pull 81 out of the selection.

(Pause.)

THE COURT: Let's select the jury.

JURY SELECTION

THE CLERK: As I call your name, please come forward, stand about midway between me and the rail and face the clock.

Juror No. 171, Trenton R. Smith.

(Juror No. 171 came forward.)

THE CLERK: What says the State?
MS. HAMMACK: Please present Mr. Smith.
THE CLERK: What says the Defense?
MS. HAYES: Please seat Mr. Smith.
THE CLERK: If you would take this piece of paper and hold onto it.
Juror No. 161, Tracie M. Sadler.
(Juror No. 161 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Ms. Sadler.
THE CLERK: What says the Defense?
MS. HAYES: Please seat Ms. Sadler.
THE CLERK: Please take the sheet of paper from the clerk.
Juror No. 49, Jayla M. Deberry.
(Juror No. 49 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please excuse Ms. Deberry from this case.
THE CLERK: Please return to your seat.
Juror No. 2, Tina M. Allison.
(Juror No. 2 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Ms. Allison.
THE CLERK: What says the Defense?
MS. HAYES: Please excuse Ms. Allison.

16

THE CLERK: Please return to your seat.
Juror No. 177, Edythe S. Thompkins.
(Juror No. 177 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Ms. Thompkins.
THE CLERK: What says the Defense?
THE CLERK: Please take the sheet.
Juror No. 181, Cagney L. Truitt.
(Juror No. 181 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Ms. Truitt.
THE CLERK: What says the Defense?
MS. HAYES: Please excuse Ms. Truitt.
THE CLERK: Please return to your seat.
Juror No. 151, Shanice A. Revell.
(Juror No. 151 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Ms. Revell.
THE CLERK: What says the Defense?
MS. HAYES: Please seat Ms. Revell.
THE CLERK: Please take the sheet.
Juror No. 190, Jarrett D. Walker.
(Juror No. 190 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Mr. Walker.

THE CLERK: What says the Defense?
MS. HAYES: Please seat Mr. Walker.
THE CLERK: Please take the sheet.
Juror No. 74, Christopher P. Hamilton.
(Juror No. 74 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Mr. Hamilton.
THE CLERK: What says the Defense?
MS. HAYES: Please seat Mr. Hamilton.
THE CLERK: Please take the sheet from the clerk.
Juror No. 43, Thea K. Court.
(Juror No. 43 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Ms. Court.
THE CLERK: What says the Defense?
MS. HAYES: Please excuse Ms. Court.
THE CLERK: Please return to your seat.
I have the State has used one challenge, the Defense three; is that correct?
MR. THOMPSON: That's correct.
MS. HAMMACK: Yes.
THE CLERK: Juror No. 192, Helen D. Ware.
(Juror No. 192 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Ms. Ware.

18

THE CLERK: What says the Defense?
MS. HAYES: Please seat Ms. Ware.
THE CLERK: Please take the sheet from the clerk.
Juror No. 41, Ta'Nauziah R. Corley.
(Juror No. 41 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Ms. Corley.
THE CLERK: What says the Defense?
MS. HAYES: Please excuse Ms. Corley.
THE CLERK: Please return to your seat.
Juror No. 188, Keiautta T. Wade.
(Juror No. 188 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Ms. Wade.
THE CLERK: What says the Defense?
MS. HAYES: Please seat Ms. Wade.
THE CLERK: Please take the sheet from the clerk.
Juror No. 40, Marsha R. Corbitt.
(Juror No. 40 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Ms. Corbitt.
THE CLERK: What says the Defense?
MS. HAYES: Please seat Ms. Corbitt.
THE CLERK: Take the sheet from the clerk.
Juror No. 102, Shelishea T. Littlejohn.

(Juror No. 102 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please excuse Ms. Littlejohn from this case.
THE CLERK: Please return to your seat.
Juror No. 178, Nicholas G. Thompson.
(Juror No. 178 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Mr. Thompson.
THE CLERK: What says the Defense?
MS. HAYES: Please seat Mr. Thompson.
THE CLERK: Please take the sheet from the clerk.
Juror No. 47, Ali Curry.
(Juror No. 40 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Ms. Curry.
THE CLERK: What says the Defense?
MS. HAYES: Please seat Ms. Curry.
THE CLERK: Please take the sheet from the clerk.
Juror No. 159, Melinda R. Rowan.
(Juror No. 159 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please excuse Ms. Rowan-Cooper from this case.
THE CLERK: Please return to your seat.

20

Juror No. 165, Frances L. Scott.
(Juror No. 165 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Ms. Scott.
THE CLERK: What says the Defense?
MS. HAYES: Please seat Ms. Scott.
THE CLERK: Please take the sheet from the clerk.
I have that as 12 jurors, Your Honor.
THE COURT: Yes, sir. Let's just do one alternate.
THE CLERK: One alternate. Strikes are?
THE COURT: One and two.
THE CLERK: One and two.
Juror No. 21, Richard A. Bryant.
(Juror No. 21 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Mr. Bryant.
THE CLERK: What says the Defense?
MS. HAYES: Please excuse Mr. Bryant.
THE CLERK: Please return to your seat.
Juror No. 162, Jennifer Salmon.
(Juror No. 162 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Ms. Salmon.
THE CLERK: What says the Defense?
MS. HAYES: Please excuse Ms. Salmon.

THE CLERK: Please return to your seat.
Juror No. 17, John R. Brooks.
(Juror No. 17 came forward.)
THE CLERK: What says the State?
MS. HAMMACK: Please present Mr. Brooks.
THE CLERK: What says the Defense?
MS. HAYES: Please seat Mr. Brooks.
THE CLERK: Please take a sheet from the clerk.
THE COURT: All right. So certain ones of you have that sheet of paper, those are the jurors for the trial of this case.
If you do not have one of those sheets of paper, your jury service this week is complete and you are free to go. Have a good week.
(WHEREUPON, the remaining jury panel is excused.)
THE COURT: If you have a white sheet of paper, don't leave.
All right. I neglected to ask, but I'll do so for purposes of the record. Were there any objections to jury selection from the State?
MS. HAMMACK: No, Your Honor.
THE COURT: From the Defense?
MS. HAYES: No, Your Honor.
THE COURT: Good. That's a relief. I let everyone go.
All right. Folks, who were selected for service on

22

this case, we've got some things to handle before we can actually get started. I know it is very early, but I am going to let you go for lunch.

Now, when you leave the courtroom, you will want to follow the bailiffs to your jury room. They will show you where you need to be so that you'll know where to report back to when you come back from lunch. And we'll start the trial of this case after lunch.

While you are gone for lunch, do not discuss the case amongst yourselves. Do not discuss the case with anyone else. Do not do any research about the case, about the parties involved, the attorneys, the court staff or anyone else. Everything that you learn about the case must come from within this courtroom.

Do not talk to anyone who is involved in the case. That includes the attorneys, that includes the Defendant, that includes any potential witnesses. So if you see any police officers walking around, don't want to talk to them either. Just sort of look straight ahead, keep your head down. They know they're not supposed to talk to you, so they shouldn't be striking up a conversation with you. It will be easy. You won't have to talk to anyone.

So when you leave here, you're going to go to the jury room. I'm going to ask you to be back from lunch at one o'clock. We will start the trial at that time. So follow

the bailiff out this back door here to your jury room. Be back there at one o'clock. Thank you.

(WHEREUPON, the jury is excused for lunch at 11:03 a.m.)

THE COURT: All right, folks, we're going to start this trial at one o'clock, so folks involved in the trial --

Yes.

MS. HAYES: Your Honor, the Defense would just ask that Lincoln is on bond and he remain on bond.

THE COURT: He can remain on bond over the lunch hour. The jury hasn't been sworn, we haven't technically started yet, so bond continues.

So trial folks, be back at one o'clock ready to start.

In the interim, we're going to do a guilty plea. So court staff, just hang tight until that plea is done and then we'll take a lunch break. But the trial will start at one o'clock.

(WHEREUPON, a lunch recess was taken.)

THE COURT: Is the State ready to proceed with trial?

MR. WEEKS: The State's ready, Your Honor.

THE COURT: Defense ready?

MS. HAYES: The Defense is, Your Honor. The Defense would like the Court to know that we have filed a Rule 6 objection and we'll be making that Motion at the appropriate time.

24

THE COURT: Okay. Any matters we need to handle pretrial?

MR. WEEKS: Nothing from the State.

THE COURT: From the Defense?

MS. HAYES: None from the Defense.

THE COURT: All right. Let's bring in the jury.

(WHEREUPON, the jury enters the courtroom at 1:04 p.m.)

THE COURT: Good afternoon, folks. We are now ready to begin the trial of the State of South Carolina vs. Jonathan Art Lincoln, the Defendant. I am going to give you some preliminary remarks, but before I do that, I'm going to have the clerk of court place you under oath one more time.

THE CLERK: Please stand and raise your right hand.

(WHEREUPON, the jury was sworn.)

OPENING REMARKS BY THE COURT

THE COURT: Folks, before we begin this trial, I want to tell you that this trial will probably be different from what you might expect. Many people do not have the chance to attend actual court sessions as you are doing now. And they think from watching television or movies or reading books that trials are always full of intense action, high drama and riveting circumstances.

While all these things may be true at times, this trial is not for entertainment. It is a fundamental part of our democracy and effort to make sure that justice is done

between the parties before the Court. Making sure that justice is done is often slow, deliberate and repetitive, the opposite of what you may have seen on television or movies or read in books.

This courtroom is a place of honor dedicated to the protection and preservation of citizens rights through what many have called the greatest justice system ever created. The attorneys appearing before you are advocates for the parties they represent, but, first and foremost, they are officers of the court sworn to uphold the integrity and fairness of our judicial system and to help you in understanding the evidence. You should expect them to be professional, competent and ethical in the representation of their client's interest. Remember that you have just taken an oath to try this case and reach a fair and just verdict, and you are also expected to be professional, reasonable and ethical.

Thank you for accepting the important responsibility of jury service and for your contribution today to our justice system.

What I will now say is intended to serve as introduction to the trial of this case. These remarks are not a charge on the law in this case. I will instruct you on the law applicable to this case at the end of the trial before you retire to consider your verdict. This is merely

26

an explanation of the procedure that we'll follow in the trial so that you may better understand what will be happening.

You may not take notes during the trial of this case. It's a short case. It's not an overly complicated case. So I don't want you to be distracted by note taking or what ends up being doodling sometimes.

In this case, the Defendant is charged in several indictments filed in this court with the crimes of trafficking in methamphetamine, failure to stop his motor vehicle when signaled by law enforcement, possession with intent to distribute heroin, resisting arrest and possession with intent to distribute cocaine. I'll explain the elements of those crimes to you later.

The indictments are simply the charges by which the case is brought into court. They are not in any sense evidence of the allegations they contain. The Defendant has pled not guilty to each of these indictments. The State, therefore, has the burden of proving each of the elements of each of the indictments to you beyond a reasonable doubt. It will be your duty, ladies and gentlemen, to determine whether the State has met that burden.

Your purpose as jurors is to find and determine facts. You are the sole judges of the facts. If at any time, I make any comment regarding the facts, you must disregard it.

You are to determine the facts from the testimony you hear and the other evidence introduced in court. It is up to you to determine the inferences which you feel may properly be drawn from the evidence. It is especially important that you perform your duty of determining the facts diligently and conscientiously because ordinarily there is no way to correct an erroneous determination of the facts by a jury.

On the other hand and with equal emphasis, the same law that makes you the judges of the facts makes me the judge of the law. The law as given by the Court is the only law you may consider. You must accept it and follow it even though you may disagree with it. I cannot tell you what the facts are and you cannot disagree with me about what the law is or what the law should be. Your job is to take the law as I give it to you and apply it to the facts as you find them from the testimony of the witnesses and any other evidence that is introduced. After doing that, you will render your verdict under the solemn oath that you just took as jurors.

Until I advise you to begin your deliberations, you must not discuss the case with anyone, including your fellow jurors, friends, family members and anyone involved in the case. This includes discussions face-to-face and those by telephone, e-mail, texts, blogs or any other method of communication.

You may not use a computer, cell phone or other

28

electronic device with communication capabilities at any time while in the courtroom or during deliberations. Now, of course, during breaks or meals or overnight, you may use those devices; however, you may not at any time use those devices to get or send information about the case. This includes information about a party, a witness, an attorney or a court officer, news reports about a case, research on any topics raised, any topics you think would be helpful in deciding the case or any testimony presented by any witness.

During the trial, do not read, listen to or watch any news reports about this case. This includes anything that may be in the newspapers or on the internet, radio or television. You must not consider anything that you may have read or heard about the case outside the courtroom, whether before or during the trial.

After the case is submitted to you, you must discuss it only in the jury room with your fellow jurors. The attorneys and parties in this case have been advised that they are not to talk to you at all. So if you see someone involved in the case and they don't even say hello to you, they are not being unfriendly, they're simply following my instructions.

It is important that you keep an open mind and not decide any issue in the case until all the evidence has been presented, the parties have made their closing arguments and

I have instructed you on the law in this case. It is your solemn responsibility to determine the guilt or innocence of the Defendant and your verdict must be based solely on the evidence as it is presented to you in this trial and on the law as I instruct you during and at the close of the trial.

Now, in just a moment, the Solicitor will make what is called an opening statement in which the Solicitor will explain to you what the issues are in this case or, at least, what the Solicitor thinks the issues are in this case. The attorney for the Defendant may also make an opening statement, although they're not required to do so.

What the attorneys tell you during their opening statement is not evidence in this case. It is only their contention as to what the issues are. The evidence in this case will be presented to you by the testimony of sworn witnesses from the witness stand and by exhibits that may be introduced into evidence.

Now, from time to time during the trial, you may hear one of the lawyers say something like Your Honor, I believe we have a question of law or a matter of law or, Your Honor, may we approach the bench. Or sometimes, I, myself, might find it necessary to excuse you from the courtroom for a short while so I can discuss a matter of law with the attorneys.

The reason for this is because you are the judges of

30

the facts and sometimes when I am making a ruling in connection with whether a particular law applies or does not apply, I might have to make some comment as to the facts in connection with that ruling. I'm not supposed to tell you what I think the facts are, so I will dismiss you from the courtroom for a short while while those discussions take place so I will not influence you and you will not be affected in any way by anything that I might say or do in connection with the facts.

In determining what the facts are in this case, you must decide whether or not the testimony of the witnesses is believable. It will be my responsibility to rule as a matter of law as to whether certain testimony is admissible or not, but when the testimony is admitted, whether you believe it is solely for you to determine.

In deciding whether to believe a witness, you have the right to consider the interest of any witness, the bias of any witness, the prejudice of any witness, the opportunity for the witness to have seen the matters and things about which the witness may testify and the way the witness acts on the witness stand. You have a right to consider anything that is in the record that will help you evaluate the testimony of the witnesses.

That means that it is your duty to pay close attention to the witnesses, to observe them, to listen to the

witnesses and to pay close attention to the attorneys and to the Court. Do not let your thoughts wander, but give strict attention to the testimony in this case so that at the end of all of the testimony, after the arguments of counsel and the charge on the law by the Court, you will then be in a position to determine what the facts are and to apply the law to those facts and thus render a true and just verdict.

It will be the added duty of the Foreperson to preside in the jury room and be the jury spokesperson here in court, but we will discuss that later in further detail.

Now, before we begin, in order to preserve everyone's rights, I will give the attorneys an opportunity to object to anything I have just said to you.

Any objection from the State?

MR. WEEKS: No, ma'am.

THE COURT: From the Defense?

MS. HAYES: No, Your Honor.

THE COURT: We will now begin the trial of the case. I'll call on the Solicitor and ask you to give your full attention for opening statements.

MR. WEEKS: Thank you, Your Honor.

OPENING STATEMENT BY THE STATE

MR. WEEKS: Ladies and gentlemen, the case before you today and the case that you will listen to evidence from today involves a traffic chase. It involves an individual

32

running for what I would suggest to you is an extremely long period of time in an automobile at high speeds to avoid stopping for the police, blue lights and sirens.

Our law in this state, in this country is based on some simply premises, one of which is if you have a driver's license and you're on a public highway that when a police attempts to stop you by the means of blue lights and sirens, it's your duty to pull over in a safe location and see what they want. That's your duty. That's the law in this state that's imposed upon you when you get a driver's license. Or whether you get a driver's license, it's still that same law.

We are a society of law. If I could just do what I wanted to all the time, I'd do things different sometimes. Some laws I may agree with, some laws I might not, but it's not my job to do anything that disagrees or disrespects the laws of this state and of this country.

The Defendant is charged with five indictments in this case. The five indictments stem from his actions in the early morning hours of February 26th going into February the 27th of 2020.

Officer Knight, who's a ten-year veteran with the sheriff's department here in Aiken, was stationary on interstate I-20 in Aiken County. He sees a vehicle pass by that the windows are so tinted he can't see anything in the

vehicle, so he starts out after the vehicle. And when he does, at some point, the vehicle decides he's not going to stop. He exits off the interstate at Highway 29 -- Exit 29, what we call Wire Road. If you're familiar with I-20, there's 19, there's US 1 and then there's Wire Road in Aiken County.

Well, he exits off of that and he does not stop and he does not pay any attention to the blue lights and sirens. Deputy Knight is on the radio calling for assistance. He gets assistance from Deputy Palmer with Aiken County Sheriff's Department. He gets Highway Patrol involved in it. And the whole purpose of all of that is to bring this vehicle to a stop. You need to stop and see what the police officer wants.

Well, the person driving that vehicle or the persons in that vehicle, the officer didn't really know at that point, he gets close enough, calls dispatch, runs the license through and gets the registration and license information for the tag on this vehicle. As we all know, that might not necessarily be definitively, but he doesn't know at that point because the person won't stop.

So one of the indictments that you will be deliberating on is the charge of failure to stop for a blue light and sirens. It's pretty simple. We'll have the officer's testimony. You're going to have video, several locations

34

and it's going to be that he failed to stop for a blue light and sirens.

The next indictment you're going to have to consider is whether or not when the police approached him ultimately the next morning, did he resist arrest. You're going to hear many police officers testify about how he resisted arrest. If I was standing here talking to the Judge with my hands in my pocket like I'm talking to y'all, probably the first thing she's going to do is want me to take my hands out of my pocket. And there's a reason for that and I think you all can understand that.

But you're going to hear testimony from somebody who wasn't involved in any of the events of that night. He just happened to be in his house on Anderson Road in Aiken County, getting ready to go to work. He's a farmer, a hard worker. He flips on the light and this man at this table over here is sitting on his back porch steps. It's still dark. I mean, he's going to work early. He's a farmer. He's just sitting there. So he backs up, gets his shotgun and calls the police, calls 911.

Well, you'll hear testimony that the police had been looking for this man most of the night prior. So they responded to the 911 call and the location pretty quickly. And when they get there, they have discussions with the Defendant telling him get your hands out of your shirt, get

your hands out of your shirt. He doesn't do it. They ultimately wrestle him on the property of the homeowner for several minutes until they're able to get him handcuffed. They tase him, what they call blast a shot. The purpose of doing that isn't to make him pass out, it's to get him to obey the command.

This homeowner didn't have a thing to do with anything. It was in the early morning hours he had heard the police going up and down this road, but he finally went to bed. His wife was worried, he was worried. Obviously, there was a lot of activity.

I grew up in the country. There are dirt roads. There probably are more dirt roads than there are paved roads around where this particular witness lives. It's before you get to New Holland. I don't know if any of you know where New Holland is, but it's out a ways. It's on the northeast side of Aiken, out toward Wagener. Ultimately, the police arrest the man sitting at Defense table.

Prior to arresting him, they spent the night wandering through the woods looking for him, taking the tracking dogs through the woods looking for him. They had already searched the car he was driving, which was registered to him. It had mail in it addressed to him. It had an address that wasn't anywhere in the vicinity of where he decides to stop the car and run. He had prescription bottles with his

36

name on them in the car. He had a shotgun in the car. Had his shoes in the car. Assume it was the shoes he was wearing because when he was arrested the following morning, he wasn't wearing shoes. They've got plenty of evidence that this Defendant was driving the car.

The person that was driving the car bails out in the back of a field. Looks like everybody was getting stuck in that field, except for the Defendant. The police car pulled right through that field, but it was a wet, plowed corn field off of New Holland Road going to New Holland. Colt Woody lives half a mile as the crow flies through the woods and fields.

The police officers from Aiken County and Highway Patrol, the dogs came and everybody was trying to locate the person that jumped and ran from the vehicle. Registration says it was Jonathan Lincoln. Pill bottles in there say it was Jonathan Lincoln. And that's who they were looking for. And guess who they find on the back porch of Colt Woody's house on Anderson Road with no shoes on, disheveled and just sitting under the carport?

You're going to hear all this testimony. I'm previewing this testimony that I don't like to do because it kind of takes away, you know, like watching movie trailers. You know, you've got the best scene in the whole durn movie and you've see it before you ever get to the theater. Well,

that's the situation here. These officers were doing their job.

And, ultimately, on the morning of February 27th after an all-night pursuit of him, they arrest him. You'll hear from Mr. Woody. He'll get up here and testify about what he observed and when he called 911 and later when the police come out and find Mr. Lincoln. All that goes into the failure to stop and resisting arrest.

What they did find in the car was trafficking weight of drugs, three different varieties of drugs, cocaine, heroin and methamphetamine. All in one bookbag and all on the passenger seat of his automobile. And then there were prescription bottles that had his name on it. The amount of drugs is what guides our laws, some of our laws regarding drugs.

You know, I do this for a living and I have a hard time sometimes remembering all the intricacies of what our statutes say. We all know that heroin is an extremely dangerous drug. You're going to hear from the analyst from the sheriff's department talk about the drugs that were turned into her. There were 28 grams of methamphetamine. She's going to testify as to how much drugs were turned into her. If you have over a certain amount of heroin, that's classified as possession with intent to distribute heroin. The testimony is going to be he had about ten times more of

38

heroin. He had drug paraphernalia, plastic bags, scales.

Sometimes this stuff is kind of like TV. You see stuff on TV that you see in this courtroom. I mentioned the methamphetamine, I mentioned the heroin. He had cocaine. The amount of cocaine that would cause our statutory inferences to -- inferences can be allowed.

And he had all that in his car. Nobody else did they see bail out of the car. It was all in close access to him in his car. This is after failure to stop, after he pulled off the road into the back of a field. I don't even know exactly how far it was from where Mr. Lincoln laid his head at night. The address on everything is on the other side -- the Jackson side of Aiken, out there going out Pine Log Road, not on the New Holland side. And that's where he bailed in the field and ran through the woods and ended up on Mr. Woody's porch.

So what the State will be doing now after the Defense opens, if they choose to open, is putting up our witnesses. It's kind of tedious at times, but y'all bear with us. And at the end of the trial, Ms. Hammack or myself one will come back before you and have another chance to say why the evidence we've presented proves Mr. Lincoln guilty beyond a reasonable doubt of all the charges he's charged. I thank you very much for your attention throughout this trial.

THE COURT: Ms. Hayes.

MS. HAYES: May it please the Court?

OPENING STATEMENT BY THE DEFENSE

MS. HAYES: Good afternoon, ladies and gentlemen. Mr. Lincoln is here because he is being accused of a crime. As U.S. citizens, we all know about the Constitution. And our rights in that Constitution is you are innocent until proven guilty. Mr. Lincoln is guilty until he is proven guilty by the State. Really, the State is on trial because the State is the one that has the burden of proof to prove to you beyond a reasonable doubt that Mr. Lincoln committed the crimes that he is accused of.

So what I want you to do this afternoon is I want you to keep an open mind. I want you to listen to all the witnesses that will come up and testify. And I want you to be the finders of facts and make sure that the State has done every single thing that they have to do to prove to you beyond a reasonable doubt that Mr. Lincoln is guilty of the crimes that he's accused of.

If you find that the State has not met their burden, they have to prove -- it's their job. It's not the Defense's job to prove that he's innocent. He doesn't have to testify. We don't have to put up anything. They're the ones that have to prove to you. And I want you to hold them accountable and make sure that they have done their job.

At the end of this, I'm going to come back and talk to

you again, but I want you to keep an open mind, listen to everybody and make sure that they have done everything that they're supposed to do, that they have done their job.

At the end of this, I'm looking forward to coming back and talking to you, but I think at the end of the day, you'll find out that Mr. Lincoln is not guilty.

THE COURT: The State can call their first witness.

MR. WEEKS: Thank you, Your Honor. The State would call Sergeant Brandon Knight.

THE CLERK: Come up here, please, sir. Place your left hand on the Bible and raise your right hand.

BRANDON KNIGHT, after being duly sworn, testified as follows:

THE CLERK: Have a seat in the witness chair. State your full name when you're seated.

THE WITNESS: Sergeant Brandon Jay Knight, Aiken County Sheriff's Office.

DIRECT EXAMINATION

BY MR. WEEKS:

Q Sergeant, what do you do for Sheriff Michael Hunt?

A Special operations division. We do criminal enforcement and warrant services.

Q This courtroom has flipped on its head since I last tried a case in it. So I'm going to ask you to pull that little fluffy mic, I think, close to you so that this jury

out here can hear you. I know you've got all the belts on and all of that, but kind of raise your voice a little bit because I'm having a little bit of trouble hearing you.

A Okay. I'm on special operations with Aiken County Sheriff's Office. We do criminal enforcement and warrant services for the county.

Q And is I-20, a section of I-20 in Aiken County?

A I-20 that we work is in Aiken County.

Q A portion of it is?

A Yes.

Q How long have you been working for Mike?

A I've been with the sheriff's office for ten years.

Q And before that, were you in law enforcement?

A Five years, I was in corrections with South Carolina before coming to the sheriff's office.

Q Have you been through any particular type of training as a deputy for the sheriff?

A Yes. I've been through countless number of classes for interdiction.

Q What's interdiction?

A Interdiction is -- we are looking -- we're stopping vehicles looking for drugs, money that has to do with drugs, also, looking for criminals on the roadways.

Q And February 26th of 2020, were you working for the Sheriff then?

A I was.
Q Were you on duty?
A I was.
Q And where were you stationed or what were you doing on the night of February 26th into the early morning hours --
A I was stationed at I-20 eastbound at the 25-mile marker.
Q And eastbound would be headed toward Columbia?
A Yes, sir.
Q Did you observe anything that night that leads us here?
A Yes, sir. I observed a white Dodge Durango with very dark tinted windows cross my view, so dark that I couldn't see a silhouette of anybody in the vehicle.
Q And were you perpendicular to the --
A I was sitting facing perpendicular to the roadway.
Q Okay. Did that strike you as odd?
A It does.
Q Are windows supposed to have a certain visibility requirement?
A In South Carolina, the window tint is 27 percent as legal. Anything under that is illegal.
Q So when this vehicle passed you, your headlights were on?
A My headlights were on. The headlights would not even shine through the windows it was so dark.

Q And that aroused your curiosity. What did you do then?
A I then pulled out behind the vehicle. The vehicle switched lanes from the fast lane, the number one, to the number two lane without signaling and, also, reduced speed drastically.
Q What was your next step?
A The next step was I ran the tag and I initiated my blue lights to perform a traffic stop on a vehicle.
Q Could you tell how many people were in the vehicle?
A I could not.
Q All right. You initiated your blue lights and siren?
A First, I initiated blue lights. I observed the vehicle wasn't stopping. I turned on my sirens and the vehicle continued to travel without stopping.
Q Did it ever exit the interstate?
A The vehicle exited the Wire Road exit off the interstate and continued to go towards Aiken.
Q And that would be at Exit 29?
A Exit 29.
Q Any indication by the driver that vehicle was even going to stop?
A The driver gave no indication that it was going to stop.
Q And what did you do then?
A At that point, I advised our dispatch that the vehicle

wasn't stopping. I also advised the Highway Patrol, which was sitting right there at 29 and, also, Sergeant Palmer, advised them that --

Q Sergeant Palmer is with your --

A Yes.

Q And what did they do as a result of your advising them?

A Highway Patrol took over the pursuit. Highway Patrol then pulled off. I got back behind the vehicle, continued the pursuit. Sergeant Palmer is PIT certified and has a PIT bumper on his vehicle. I called him to get in front of me --

Q Slow down and say that again.

A Sergeant Palmer is PIT certified. I called him to take the lead of the pursuit.

Q And what kind of specialized vehicle does he have?

A He has a Dodge Charger with a PIT bumper on the front.

Q PIT, P-I-T?

A P-I-T.

Q And the purpose of that is to bump the car and make them stop?

A That's right.

Q Can you kind of describe for me where y'all went?

A Yes. From I-20, we went down Wire Road. We went -- turned left onto New Bridge --

Q Before you turned left onto New Bridge, did you pass

the detention center?
A We did.
Q Did you pass any other houses and locations?
A We passed Beaver Dam Road. We passed several neighborhoods going down Wire Road. We passed the detention center.
Q Beaver Dam Road intersects with Wire Road?
A With Wire Road.
Q Bunch of houses there, isn't it?
A Yes.
Q Okay. So you make a left onto New Bridge Road?
A That's correct.
Q That's where there in front of one of those elementary schools?
A It's a little school, daycare right there on the corner.
Q Took a left there, you're still following him?
A Still behind him.
Q You still got any idea how many people are in the car or what's going on?
A Still don't know how many people is in the car or who's even driving the car at this point.
Q Okay. So what do you do there? Where does the car go then?
A The car continues up New Bridge Road, all the way up to

New Holland Road.

Q Is that going back north again?

A It's going back north towards Wagener.

Q What's it do when it gets to New Holland Road?

A When it gets to New Holland Road, the vehicle turns left on New Holland Road going towards Highway 39 towards Wagener.

Q All right. What did y'all do then?

A We continued to pursue the vehicle. The vehicle went off into a field near Highway 39.

Q All this time that you're following this vehicle, did y'all communicate -- you and the other officers are communicating on the radio?

A We were communicating back and forth.

Q For most of it, did you have an in-car video that you looked at?

A Yes.

Q And State's Exhibit No. 1, can you identify what this is?

A This is my dash cam video from my patrol vehicle.

Q Okay. And have you watched it with us?

A I have.

Q Is it a true and accurate copy?

A It is.

Q The video we watched was two or three hours long. Is

this a more chopped-down version?
A That's the actual video.
Q I know, but did we cut it off at some point?
A Yes.
MR. WEEKS: I move to introduce this, State's Exhibit No. 1. We've provided the Defense with a copy.
MS. HAYES: No objection, Your Honor.
THE COURT: State's 1 is admitted without objection.
(WHEREUPON, State's Exhibit No. 1 admitted into evidence.)
BY MR. WEEKS:
Q Officer Knight, after you took a left on New Holland and you pulled off into a field at some point, is that what you said?
A That's correct.
Q What happened to your vehicle?
A My vehicle got stuck in a plowed cornfield.
Q And did some other officers' vehicles get stuck?
A Yes, there was more vehicles that got stuck.
Q And where in the cornfield did the Defendant go?
A The Defendant went --
Q Or the person you were chasing?
A The Defendant went down the middle of the cornfield and went straight to the back, back to the right corner. I went down just a little bit, got stuck on the far left going into

the field.
Q Did you see what happened to the driver of the vehicle?
A From what I seen where I got stuck at was running towards the vehicle, the driver door was open to the vehicle. No other doors were open.
Q And nobody else was in the vehicle when you got to it?
A No one else was in the vehicle.
Q Sergeant Knight, I'm going to hand you what's marked State's Exhibit No. 3 and ask you if you can identify the scene depicted in that photograph?
A That is the route that we took during the vehicle pursuit.
Q The red lines indicate?
A The red lines from I-20 show the vehicle and where we went.
Q Did you look at this also on the disk?
A That's correct.
Q And is this a true and accurate depiction of this?
A It is.
MR. WEEKS: Your Honor, we move to introduce State's No. 2 and State's No. 3.
MS. HAYES: No objection, Your Honor.
THE COURT: State's 2 and 3 are admitted without objection.
(WHEREUPON, State's Exhibit Nos. 2 and 3 admitted into

evidence.)

BY MR. WEEKS:

Q Officer Knight, I hate the jury setup because I've got my back to them and I'm pretty sure they can't see through me. I've got to figure out where I can stand so they can see.

Officer Knight, was it -- what time was it when you started your pursuit? Do you know approximately?

A Not off the top of my head. It was before midnight, between 10:00 and 12:00.

Q Okay. It was before midnight. Was it on February 26?

A It was.

Q And when you ended in the cornfield, did you ever pursue in your vehicle any more after that?

A No, sir.

Q What did y'all do?

A We ran to the vehicle, cleared the vehicle. As we were clearing the vehicle, we observed that the vehicle was so full of stuff in the rear and back passenger seat and the front passenger seat that there could be no other person in the car.

At that point, we observed shoes on the ground. Looked like footprints going to the wood line that was not shoes. We called the Aiken County tracking team to come to the scene.

Q And what does the Aiken County tracking team do?
A They got bloodhounds which go off last scent.
Q And did they bring one out?
A They did.
Q Did they locate anybody?
A Did not.
Q While you were pursuing the car, can you give me an idea of the speeds that y'all reached?
A We reached speeds of upwards towards 90 miles an hour and as slow as 55 miles an hour.
Q What was the weather like that day?
A The weather was slightly rainy.
Q Were the conditions, were the lighting conditions such that a normal person, a reasonable person could have seen your blue lights and siren, heard your siren?
A They could have heard the sirens. With the rain, they possibly could have seen the lights, definitely.
Q With the rain what?
A With the rain, you could still see the lights.
Q And, at least, one officer trying to pull up beside him?
A That's correct. Sergeant Palmer attempted to do a PIT maneuver at one point. Due to the vehicle driving in both lanes, he was unable to do so under safe conditions.
Q Well, New Holland Road, how would you describe it as

far as --
A It is a dark, long, windy road.
Q And PIT maneuvers are performed where?
A PIT maneuvers are performed on the roadway, but preferably on a straight path.
Q Okay. We'll let Sergeant Palmer talk about that. Now, I know that I've asked you before when we were preparing this case, but how long was this chase?
A The chase was approximately 30, 35 miles.
Q And you were within sight of him the whole time?
A Within sight the whole time.
Q Can you describe what you found in the vehicle and what you took possession of from the vehicle?
A Yes. In the back passenger area of the vehicle, there was a black shotgun with a pistol grip. In the front passenger seat in a bag was the narcotics, drugs that were located. Also, the registration in the glove box. There was mail coming back to the Defendant in the front of the vehicle and the rear of the vehicle along with prescription bottles with his name on them.
Q Did you take possession of those?
A I did.
Q As you took possession of them, what did you do with them?
A Logged them into evidence, put them in our evidence

locker at the Aiken County Sheriff's Office.
Q And how about the drugs?
A Completed a drug BEST kit and turned it into our drug lab at the sheriff's office.
Q And you say turned it in, what did you do to it?
A Put it in an envelope, put it in a secure locker and the drug evidence custodian took possession of it to do the testing.
Q Did you have any other dealings with the containers after you put them in the box at the Aiken County Sheriff's Department?
A Once I put it in the drug evidence box, I had no more dealings with it.
Q You mentioned you found a shotgun in the back?
A Yeah, the rear of the vehicle.
Q Describe this Durango for me.
A White Durango, you've got the rear hatch, the back and two driver seats.
Q And I'll show you what's marked as State's Exhibit No. 2 and ask you if you can identify what that is -- No. 10, I'm sorry?
A That's the shotgun that was in the vehicle.
Q Did you receive that shotgun?
A I did.
Q And turned it into the evidence lock?

A Turned it into evidence.

MR. WEEKS: Your Honor, move to introduce State's No. 10. It's a photograph of the shotgun.

MS. HAYES: No objection.

THE COURT: State's 10 is admitted without objection.

(WHEREUPON, State's Exhibit No. 10 admitted into evidence.)

BY MR. WEEKS:

Q Officer Knight, other than the drugs and the shotgun, what else did you find in the back?

A We found letters with his address on it from the mail. We had an alcohol bottle from the front passenger area, scales, baggies --

Q What do you mean scales?

A Scales to weigh the weight of narcotics.

Q I'll ask you to look at what's marked as State's Nos. 4, 5 and 6, and ask you if you can identify those items?

A Yes. These are the scales that were secured and placed into evidence that were located in the front passenger seat of the vehicle with the narcotics.

MR. WEEKS: I move to admit State's Exhibit Nos. 4, 5 and 6.

THE COURT: Any objection?

MS. HAYES: No objection.

THE COURT: State's 4, 5 and 6 are admitted without

objection.

(WHEREUPON, State's Exhibit Nos. 4, 5 and 6 admitted into evidence.)

BY MR. WEEKS:

Q Deputy Knight, I hand you what's marked State's 7 and 8 and ask you if you can identify those, yes or no?

A Yes, I can.

Q And what are they?

A These are the pill bottles that were located in that bag, also, that has the Defendant's name on them.

Q These pill bottles, 7 and 8, have the Defendant's name?

A This one -- these right here has Jonathan Lincoln's name on it here and Mr. Lincoln's name on it here.

Q So his name is on both bottles?

A Yes.

Q Did you find any other items of concern?

A Yeah, these bags were --

Q I hand you what's marked as State's No. 9.

A These bags, little ziplock bags, little blue bags were also found in the vehicle along with the narcotics. The bags that are used to put narcotics in for sale.

Q These are little tee-tiny ziplock bags?

A Yeah, usually used for meth, heroin and cocaine.

Q Officer Knight, what other kind of alleged drug-related stuff did you find in the bag5?

A There was a torch lighter. There was glass meth pipes, glass pipes used for smoking meth.
Q And the ziplock bags kind of remind me of the three bears. You've got your little tiny ziplock bags --
A That's correct.
Q -- and you've got bigger ziplock bags?
A Have bigger bags.
Q Did you find some of those, too?
A Those were in the vehicle, also.
Q Did you find anything dealing with -- possibly dealing with marijuana?
A Yes.
Q And what was that?
A It was marijuana paraphernalia in the vehicle.
Q Paraphernalia?
A Paraphernalia.
MR. WEEKS: Move to introduce State's Nos. 8, 9 and 7, Your Honor.
MS. HAYES: No objection, Your Honor.
THE COURT: State's 7, 8 and 9 are admitted without objection.
(WHEREUPON, State's Exhibit Nos. 7, 8 and 9 admitted into evidence.)
BY MR. WEEKS:
Q Officer Knight, you said at some point during your

testimony, you got dispatch to run the tag?
A That's correct.
Q Do you routinely get stuff from the Department of Corrections -- or the Department of Motor Vehicles that can show us what information you get?
A Yes, sir.
Q And did you receive something, ultimately, State's Exhibit No. 11, and can you identify that?
A Yes. This is the South Carolina Department of Motor Vehicle registration for that vehicle and the plate I ran, which comes back to a Jonathan Lincoln.
Q Okay.
MR. WEEKS: Your Honor, the State would move to introduce State's No. 11.
THE COURT: Any objection?
MS. HAYES: No objection.
THE COURT: State's 11 is admitted without objection.
(WHEREUPON, State's Exhibit No. 11 admitted into evidence.)
BY MR. WEEKS:
Q Officer Knight, in reference to State's No. 3, blue line goes up -- and this is a smaller version of it. We're fixing to publish a tape if Your Honor allows it. The car pulled to the back of a field, would that be --
A That's correct.

Q And in front of the car, what was it?
A Wood line.
Q All right. After you got up to the car, did you personally know the officers who foot tracked the Defendant or tried to locate the Defendant or whoever it was at that point?
A No, we note the area. We didn't go to the driver's door where the driver bailed from running through the woods. That way the tracks would be fresh for the dogs.
Q But the dogs didn't ultimately catch anybody?
A At the end of it, no.
Q But aside from the dogs, did you and other officers go to houses and locations?
A Once the dogs got through the woods, we had officers roaming the area. Myself, Sergeant Palmer and Blackwater were there. We also went through the woods looking.
Q Physically walking through the woods?
A Physically walking through the woods.
Q Did y'all ever check the house at [redacted] Anderson Road?
A We stopped just shy of that address. We seen the streetlight down the road that shines near that house. At that point, we didn't go no further. We turned around and went back to our vehicles.
Q Because you would have been waking up people, wouldn't you?

A Yes.
Q But y'all did do that, didn't you?
A Eventually, we did, yes, all night.
MR. WEEKS: Your Honor, the State would ask permission to publish to the jury State's Exhibit No. 1.
THE COURT: Any objection?
MS. HAYES: No, Your Honor.
THE COURT: Go ahead.
(WHEREUPON, State's Exhibit No. 1 published to the jury.)
BY MR. WEEKS:
Q Officer Knight, the dog barking at the end of that video clip was your dog, wasn't it?
A It was my dog, yes, sir.
Q Your's is a --
A Narcotic canine.
Q -- narcotic certified dog, but that wasn't a bloodhound, was it?
A That wasn't a bloodhound, no.
Q And the officer that ran across at the tail end of that was you running up to the car in question?
A That's right.
Q Were you stuck at that point?
A I was stuck.
Q Now, you said earlier that you were the one that

collected the drugs that were found in the car?
A That's correct.
Q And you put them in -- what you call this?
A BEST kit.
Q A BEST kit?
A Yes, sir.
Q And then it's sealed?
A Sealed.
Q And then the analyst does their thing and reseals it?
A Then reseals it, yes.
Q I'm handing you what's marked State's ID for purposes of this moment in time. Is that what you turned in?
A It is, this is what I turned in.
Q And you put your initials on it and that's what lets you know that?
A I did, that's correct.
Q Did you tamper or alter these drugs?
A I did not.
Q Or do anything to them other than collect them?
A I collected them and put them in the bag for evidence.
Q And those drugs are the ones you put in the drug lockbox?
A That's correct.
Q And you don't have any further access to it after you put it in there?

A I do not.

Q When you saw the Defendant's driver's information, what address came back?

A [redacted].

Q [redacted]?

A Yes, in Aiken.

Q Do you know where that's at?

A It is on this side of Aiken.

Q This side being the south side of Aiken?

A South side, yes.

Q Off of Pine Log Road on the south side?

A That's correct.

Q Nowhere near this incident location?

A Yes, nowhere near.

MR. WEEKS: Answer any questions the Defense has.

THE COURT: Let's take a short break prior to cross-examination.

I'll send you, ladies and gentlemen, to your jury room. Don't discuss the case amongst yourselves or with anyone else. We'll bring you back shortly.

Everyone else remain seated in the courtroom.

(WHEREUPON, the jury exits the courtroom at 2:19 p.m.)

THE COURT: For the folks remaining in the gallery, I want to make it clear that this is a court of law. This is a jury trial. It is not a football game. It's not a movie.

It's not a sport. To the extent that you are permitted to be in here because it is a public place, you must remain quiet. It is not your responsibility to comment on or evaluate the evidence in this case or make determinations of what happened or what did not happen. That is solely for the jury to determine.

So when you are sitting talking to each other -- you shouldn't be talking at all, but to the extent that you need to say something to one another, you must whisper to one another. You are sitting within inches of the jurors and I could hear your comments up here about you didn't see him in the video, I didn't see him in there, did you? So, certainly, the jury could hear you because I could hear you. If you are unable to control yourself, unable to remain quiet, then I'll have to put you out of the courtroom and/or hold you in contempt of court, which means going to jail.

Let's take a 15-minute break.

(Short recess.)

THE COURT: Let's bring the jury, please.

(Jury enters the courtroom at 2:46 p.m.)

THE COURT: Folks, we still have Sergeant Knight on the stand. He's still under oath.

Ms. Hayes, cross-examination.

MS. HAYES: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. HAYES:

Q Good afternoon, Sergeant Knight.

A Good afternoon.

Q How are you doing today?

A Doing good.

Q On February 26th, the night of this incident, you didn't actually see Mr. Lincoln driving the car, did you?

A No.

Q And Mr. Lincoln wasn't present at the scene when you searched his car; isn't that correct?

A Correct.

Q And the cocaine, meth and the heroin that you found and seized out of the car was found in the passenger seat, correct?

A That's correct.

Q It wasn't packed with all the other belongings in the car?

A That's correct, it was in the passenger seat in the back.

MS. HAYES: No further questions. Thank you.

THE COURT: Anything further from this witness?

REDIRECT EXAMINATION

BY MR. WEEKS:

Q One thing to clear up, when your car got stuck, did you see the car in the back of the field?

A I could see the car in the back of the field.
Q You were looking at the passenger side?
A I was looking at the rear passenger side of the vehicle.
Q Did you see anybody get out of that side?
A No, no one got out of the passenger side of the vehicle.
Q And the car itself had the driver's side door open when y'all approached?
A That's correct.

MR. WEEKS: Nothing further, Your Honor.

THE COURT: Anything further from this witness?

MS. HAYES: No, Your Honor.

THE COURT: Thank you. You may step down.

Call your next witness.

MS. HAMMACK: Thank you, Your Honor. The State calls Sergeant Palmer.

THE CLERK: Place your left hand on the Bible and raise your right hand.

FRANCES CLARKE PALMER, after being duly sworn, testified as follows:

THE CLERK: Have a seat in the witness box. Please state your full name, spelling your last name.

THE WITNESS: Sergeant Frances Clarke Palmer, it's P-A-L-M-E-R, with the Aiken County Sheriff's Office.

DIRECT EXAMINATION

BY MS. HAMMACK:

Q Good afternoon, Sergeant Palmer.

A Good afternoon.

Q Can you tell the jury, what do you do for a living at the sheriff's office?

A I'm a sergeant over community policing and special operations divisions. Along with that, I also assist Sergeant Knight in criminal interdiction and warrants as well.

Q So as an example, what do you do on any given day at work?

A Depends day-to-day, sometimes I'm doing community policing, sometimes I'm on the interstate assisting in interdiction.

Q So as a general rule, even though your day-to-day work varies, are you typically sitting behind a desk or are you out on the road in Aiken?

A Out on the road.

Q And how long have you been working for the sheriff's office?

A Five years.

Q Were you working on the night of February 26th, 2020?

A Yes, ma'am.

Q And what were you doing that night?

A I was on the interstate with Sergeant Knight. I don't remember where I was originally. I think I had just completed a stop when I heard Sergeant Knight call out his traffic stop and that his vehicle was not stopping for him.
Q And when you say Sergeant Knight called out his traffic stop and the vehicle wasn't stopping, is that the case we're here on today?
A Yes, ma'am.
Q Now, when he called that out, did you go to assist him?
A Yes, ma'am.
Q And where did you go in order to assist Sergeant Knight?
A I was on the interstate as well. I exited at the 29. I was shortly behind him and then I, ultimately, took over the pursuit near Wire and New Bridge Road.
Q And so when you say Exit 29, is that the Wire Road exit?
A Yes, ma'am.
Q Is that closer to Columbia from the US 1 exit?
A Yes, ma'am.
Q And when you get off on Wire Road from I-20, which direction did you go?
A Go right back towards Aiken.
Q And as Wire Road is traveling back towards Aiken, does it kind of follow under I-20 for a while before curving

south towards downtown?
A Yes, ma'am.
Q So when you were traveling on Wire Road, at what point did you get behind Sergeant Knight?
A I think it was shortly after the interstate, I was pretty close to him. I think I was behind him somewhere around Frontage Road, at that point, I caught up to him.
Q So right by the interstate?
A Yes, ma'am.
Q Do you remember about what time of day this was?
A I know it was pretty late in the evening. It was dark out. It was around -- before -- sometime before midnight, 10:00 to 12:00.
Q And this part of I-20 and Wire Road, is this in Aiken County?
A Yes, ma'am.
Q And the whole time that you were assisting on this attempted traffic stop, did that entire thing take place in Aiken County?
A Yes, ma'am.
Q So when you were on Wire Road, just past Frontage Road, how fast were you going, do you remember?
A At that time, I believe I was going around 90 to catch up to him.
Q What's the speed limit on the road there?

A That section, I believe, is around 45.
Q Is there any part of Wire Road where the speed limit is 90?
A No, ma'am.
Q So as you're traveling, do you catch up with Sergeant Knight and the vehicle he's trying to stop?
A Yes, ma'am.
Q And after doing this, what description or knowledge do you have of the vehicle that y'all were trying to stop?
A At that time, he had put out it was a white Durango.
Q And you mentioned that you, ultimately, passed Sergeant Knight to take over the pursuit. Why was that?
A Sergeant Knight called me up -- I am what we call PIT certified, P-I-T certified. It's a two-day course. It's Pursuit Intervention Technique. It's designed to -- the front of my car pushes the rear of the subject vehicle into a controlled spin, ending most pursuits.
Q And you've gone through that training?
A Yes, ma'am.
Q Do you have any kind of special equipment or special vehicle that allows you to do that?
A Yes, ma'am. I have a 2018 Dodge Charger with a full wrap-around bumper on the front end. It goes from the front of the left wheel all the way around to the front of the right wheel. We call it a PIT bumper.

Q And at what point did you pass Sergeant Knight to take charge of that pursuit?
A I believe it was right around the area of the Aiken County Detention Center.
Q And that's still on Wire Road?
A Yes, ma'am.
Q So if you're traveling on Wire Road and you pass the Aiken County Detention Center, what's coming up in front of you?
A Coming up, we have May Royal. There's -- right there on the right is May Royal once you pass the detention center. Then you have -- there's a church on the right. And then we, ultimately, took a left on New Bridge Road. There's also a lighted church right there at the corner of New Bridge and Wire.
Q May Royal is where the Aiken County Animal Shelter is?
A Yes, ma'am, that's there as well.
Q And when you talk about New Bridge, is there an elementary school across the street from there?
A I believe it's some sort of school, yes, ma'am.
Q When y'all got to New Bridge, what happened?
A Take a left on New Bridge and, at that point, I'm primary in the pursuit. The Dodge Durango, I'm directly behind it. And then we continue down New Bridge towards New Holland.

Q Sergeant Palmer, this is kind of a silly question, but why did you turn onto New Bridge?
A Because the Durango did.
Q Okay. So you're still following the Durango?
A Correct.
Q Do you have your lights and sirens on?
A Yes, ma'am.
Q Is the Durango responding in any way to your lights and sirens?
A As far as stopping, no, ma'am. During the pursuit, he was swerving all over the road. He was also speeding up and slowing down, which gave me some kind of indication he knew I was there.

Also, further down, I think it was when we turned onto New Holland -- we eventually go down New Bridge, dead end at New Holland, take a left onto New Holland Road where I did attempt to get up next to the vehicle. And he did respond by pulling into the opposite lane of travel to block me getting up next to him to initiate the PIT maneuver.

Q I want to go step-by-step through all of these roads that you're talking about, but I want to go back to Wire Road for a minute. What kind of road is Wire Road?
A It's a two-lane road.
Q And in addition to the detention center and some churches and the animal shelter and a school, what kind of

buildings or structures are on the side of Wire Road?
A There's a community on the left side, it's a horse community, several houses there. There's also mixed houses on the left and right depending on what area of Wire Road you're on.
Q So houses where people live?
A Yes, ma'am.
Q You said y'all turned onto New Bridge, had y'all not -- had the Durango not turned onto New Bridge, where would you ultimately -- what road would you ultimately have run into?
A Ultimately, come into the bypass in Aiken.
Q Okay. And if you keep going across the bypass, you get to the police department?
A Yes, ma'am. You actually would pass two at that point. You would pass Aiken Public Safety is now there on the right once you come up to Beaufort Street and then the Aiken County Sheriff's Office is a little bit further down on the right as well.
Q But y'all didn't make it to the police department or the sheriff's office or downtown or any of that?
A No, ma'am.
Q So when the Durango turned onto New Bridge, you continued on New Bridge, any signs of stopping or responding to your lights and sirens on New Bridge?
A No, ma'am.

Q About what speed were y'all traveling on on New Bridge?
A On New Bridge, I believe we started about 60, 70 miles an hour. Like I said, he was speeding up, slowing down the entire time. We average around 60, 70, 80 miles an hour.
Q Is there any point on New Bridge Road where the speed limit is 60, 70, 80 miles an hour?
A No, ma'am.
Q Do you know what the speed limit is on New Bridge?
A It starts out at 35. I believe it goes up to 45. I'm not sure if it goes up any higher.
Q And are there houses where people live on New Bridge Road?
A Yes, ma'am, especially that first part. There's houses all the way down New Bridge, but the first part once you turn off of Wire is fairly populated with houses.
Q And at the time that y'all were pursuing this vehicle, were there ever incidents where you had oncoming traffic?
A A couple times, yes, ma'am.
Q And New Bridge, what kind of road is that?
A It's also a two-lane road.
Q You said that in addition to the vehicle speeding up and slowing down that it was going in the middle of the road. Was it straddling that center line between two lanes?
A Yes, ma'am.
Q And what did that do for you as far as your ability to

perform your PIT technique?
A Pretty much knocks out the ability. I do need -- to safely maneuver the PIT maneuver, I need a lane that I can travel in next to the subject vehicle.
Q So as this vehicle is straddling that center line on a two-lane road and you need another lane to pull into, did you, ultimately, make a decision about whether or not to perform that PIT technique?
A Yes, ma'am. Ultimately, I did decide not to perform the PIT technique in this pursuit.
Q And when you decided not to perform that PIT technique, was that for your safety and the other people's safety?
A Yes, ma'am. For the safety of everybody involved, we look at -- like Sergeant Knight testified to, we look for as straight path as possible. PIT maneuver can be performed in curves, but it's more likely to cause vehicle, what we call -- I'm trying to think of the word, the vehicle not to perform like we want to during the spin.
Q Now, New Bridge Road, is it a relatively straight road?
A No, ma'am, it's fairly curvy.
Q And as y'all were traveling on New Bridge Road, did the Durango ever stop on New Bridge Road?
A No, ma'am.
Q What happened when the vehicle reached the end of New Bridge Road?

A It took a left onto New Holland Road.
Q Did you continue behind the vehicle on New Holland Road?
A Yes, ma'am.
Q When it took a left on New Holland Road, where does that take you to, ultimately?
A Ultimately, goes out to Highway 39, which goes between Monetta and Wagener.
Q So you started out on the interstate, came all the way down almost to the bypass to downtown Aiken and now we're going back east towards Monetta, Wagener and all that?
A Yes, ma'am.
Q As you're traveling on New Holland Road -- what kind of road is New Holland?
A It's another two-lane road. The speed limit is 45 to 55 miles an hour, fairly curvy with a couple of straight shots, but they're not very long.
Q Do you recall what speed y'all traveled at on New Holland?
A New Holland, I believe we got up to 90 at some points. Again, around 70, 80, 90 is average speed of travel.
Q And the whole time this is going on, Sergeant Palmer, did you keep your lights and sirens on this whole time?
A Yes, ma'am.
Q And did the Durango stay within your sight during the

whole time this was going on?
A Yes, ma'am.
Q And it's continuously traveling down the road, no stops or anything like that?
A That's correct.
Q Ultimately, as y'all were traveling down New Holland, did the Durango ever leave the road?
A Yes, ma'am. He, ultimately, pulled off into what was a plowed field at the time. Knowing the limits of my vehicle, I stayed on the road and paralleled the subject vehicle for a good bit. When he got to the back of the field, from my angle, it looked like he was possibly turning around to go back in the direction we had come because we do see a lot of that in pursuits. And by the time I turned around, I realized that he had actually kind of halfway turned around and then stopped. And that was the end of it.
Q What did you do you when you realized the Durango had stopped in the field?
A I got out of my vehicle. I pulled off the road and got out and ran out to the Durango.
Q What did you see when you got out to the Durango?
A When I got out to the Durango, the only door that was open was the driver door and no one else was in the vehicle.
Q Did you stay there on scene?
A Once the vehicle was cleared, Sergeant Knight and

Sergeant Blackwater stayed with the vehicle. I backed out from the location. While waiting on the bloodhound tracking team, I started setting up what we call the parameter to box the subject in.

Q When you say parameter, can you explain to the jury what y'all are trying to do with the parameter?

A So the parameter, what we try to do is, basically, form a large circle around where the subject could run preventing him from escaping out of that area and, therefore, allowing the dog team to work their magic when they can and follow that scene until they find them. Because, hopefully, while having that parameter set up, he sees that he can't get out of it, so he beds down or something of the sort.

Q After you set up that parameter, did you do anything else to assist at that point?

A Eventually, the -- I think it was a little while later, the dog team did respond out. After their track was unsuccessful, myself, Sergeant Knight and Sergeant Blackwater responded to the next road down off of Anderson Road, which if you go out the back of the field, on the other side of the wood line from the field is a dirt road that a couple of people live on. We walked that entire road and cleared all of the buildings on that road.

Q Sergeant Palmer, when you initiated your blue lights and sirens, do you have a video camera in your car that

comes on?
A Yes, ma'am.
Q And what does that video camera -- what view does it have and what does it record?
A It's from the front passenger area of my dash.
Q Does it show inside the vehicle or does it show the road?
A It shows the road.
Q And did you have your video on that night?
A Yes, ma'am.
Q Sergeant Palmer, I'm showing you what has been premarked as State's Exhibit 12. Will you take a look at that and see if you recognize it?
A Yes, ma'am. It appears to be my dash camera footage.
Q And have you seen your dash camera footage from that night?
A Yes, ma'am.
Q Is this a true and accurate copy of that dash camera footage from this particular traffic stop?
A Yes, ma'am.
MS. HAMMACK: Your Honor, at this time, we'd move State's Exhibit 12 into evidence.
THE COURT: Any objection?
MS. HAYES: Objection, Your Honor. This is cumulative evidence. This is the same as what we saw.

MS. HAMMACK: Your Honor, he's testified that Sergeant Knight began pursuit. He caught up to him and then surpassed Sergeant Knight and got directly behind the vehicle. He's got a different view and shows different footage from what Sergeant Knight's footage shows.

THE COURT: State's 12 is admitted over the Defendant's objection.

(WHEREUPON, State's Exhibit No. 12 admitted into evidence.)

MS. HAMMACK: Your Honor, at this time, we would move to publish State's 12.

THE COURT: Yes, ma'am.

(WHEREUPON, State's Exhibit No. 12 published for the jury.)

BY MS. HAMMACK:

Q Sergeant Palmer, at the end of that video, you stated he's either bush bonded or stuck. He's bush bonded, I see the door open. What does bush bonded mean?

A It's police lingo for he ran from the car.

Q Okay. So by the time you got up to the car, was anybody in the car?

A No, ma'am.

Q And when you say the door is open, which door are you talking about?

A The driver door.

Q And Sergeant Palmer, the whole time that you pursued this Durango, about how far was that pursuit?
A I believe it was around 30 miles.
Q Thirty miles from where you started on I-20, got off on Wire Road, came all the way almost to downtown, turned onto New Bridge and then back up New Holland going back towards Wagener?
A Yes, ma'am.
Q Sergeant Palmer, where that vehicle pulled into the field, what's past that field?
A Wood line -- or are you talking about down the road?
Q No, wood line.
A Okay.
Q Is that what you saw at the back of that field where the car was?
A Yes, ma'am.
Q And when you went up there, which way was the car facing? Was it facing back towards the road where your car was or was it facing the woods?
A So if this was the road here, the car was kind of at an angle like this where the passenger side and the rear were towards the road.
Q And you mentioned going and walking a dirt road. Are you familiar with Anderson Road?
A Yes, ma'am.

Q Where is Anderson Road in relationship to where that field was?
A That would be the -- so if he would have continued down the road instead of going into the field, it would have been the next road on the right, I believe.
Q So the next road on the right off of New Holland is Anderson Road?
A Yes, ma'am.
Q And in that video, you -- well, excuse me, not the video, sitting up here today, you mentioned you knew your vehicle and you didn't pull into the field. What condition was that field in that night?
A Everything was pretty wet. Around that time, there was a lot of rain. I don't know if you saw in the video, there were several spots on the road that were still washing with water. So the field was pretty saturated.

MS. HAMMACK: Sergeant Palmer, I don't have any more questions for you. Please answer any questions the Defense may have.

THE WITNESS: Yes, ma'am.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MS. HAYES:
Q Good afternoon, Sergeant Palmer. How are you?
A Good afternoon.

Q On your pursuit on February 26th, you didn't see Mr. Lincoln driving the car, did you?

A No, ma'am, I didn't see who was driving the vehicle.

Q Were you present when the car was searched?

A No, ma'am, I had backed out from the location.

MS. HAYES: I have no further questions of this witness.

THE COURT: Anything further, Ms. Hammack?

MS. HAMMACK: No, Your Honor.

THE COURT: Thank you. You may step down.

Call your next witness.

MS. HAMMACK: Your Honor, before we do, may I ask if either Sergeant Knight or Sergeant Palmer wish that they may be excused?

THE COURT: Any objections to them being excused from the Defense?

MS. HAYES: No, Judge.

THE COURT: All right. You're both free to go. Thank you.

MS. HAMMACK: Your Honor, the State's next witness is Colt Woody. And I believe Mr. Weeks went to go get him.

THE COURT: Okay.

Mr. Woody, come forward.

THE CLERK: Place your left hand on the Bible and raise your right hand.

COLT WOODY, after being duly sworn, testified as follows:

THE CLERK: Have a seat in the witness box. Please state your full name, spelling your last.

THE WITNESS: My name is Colt Woody.

DIRECT EXAMINATION

BY MR. WEEKS:

Q Colt, where do you live?

A [redacted] Anderson Road, Wagener.

Q What do you do for a living?

A I'm a corn and peanut farmer.

Q How long you been doing that?

A My whole life, 35, 40 years.

Q In February, specifically, February the 27th of 2020, were you living on Anderson Road?

A I was, yes, sir.

Q Same location?

A Yes, sir.

Q Who lives there with you?

A My wife, Shannon.

Q I'm going to call your attention to the nighttime or the early morning of February the 27th of that year. Were you home?

A I was, yes, sir.

Q Did you notice anything going on in your area?

A Well, when I went to bed, there was nothing going on, but then starting about 9:30, ten o'clock, then I heard sirens going up and down Anderson Road. I didn't know what was going on, so my wife messaged our next door neighbor about a quarter of a mile down the road from us --

Q You can't say what anybody else said, but did you have a commotion in your area?

A We did.

Q And if you came out your driveway and took a right, you'd be on Anderson Road; is that correct?

A That's correct.

Q And does it intersect with New Holland?

A It does.

Q How far?

A Three-quarters of a mile, roughly, six-tenths of a mile.

Q If you walk straight out your driveway and across those fields in front of your house, how far would New Holland Road be in your estimation?

A Just right in front, about the same.

Q And on that -- during the nighttime of February 27th, that early morning, what did you do after you heard the sirens?

A Well, I went and turned the carport lights on. My pickup is parked under there, so I just turned the lights on

for safety and went back to bed. I guess it was probably, roughly, early morning, the sirens finally quit and we went to sleep until the next morning.

Q And what did you do the next morning? What was your routine?

A I get up somewhere between 5:00 and 5:30, walk through the house and turn the lights on walking through the house. Of course, the carport lights were still on. I've got a door there at the carport with glass in it, so I just -- after turning the lights on through the house, walked up to that door to look towards the barn, just looking out. And as I walked up to the door, I saw a man sitting on my back porch steps.

Q Can you describe him?

A He had -- I think he had a light jacket on, no shoes, socks. His back was towards me.

Q Did he ever move, ever say anything?

A No.

Q Did you ever say anything to him?

A Did not.

Q What did you do at that point?

A I backed up about as fast as I could because I was so startled. I ran to the bedroom, got the shotgun, called 911 and waited for the police.

Q Did you ever confront him?

A Did not.
Q Did he ever leave?
A Did not.
Q Did he ever say anything?
A No.
Q The porch lights or the carport lights were on?
A Absolutely, yeah, bright.
Q Bright?
A Bright lights.
Q And your truck was parked up under there?
A That's right.
Q What all do you keep in your truck?
A All kinds of tools, air compressor, four wheeler.
Q You called the police. Did they respond?
A They did.
Q When they got there, was he still sitting on the porch?
A He was.
Q Hadn't moved at all?
A Hadn't moved at all.
Q Did the county officers arrive in some short order?
A It took 15 to 20 minutes.
Q And what happened then?
A They confronted him and he didn't want to do what they wanted.
Q What did they have to do? What did you see them do?

A They wrestled him down to the ground. I mean, he wouldn't subdue and put his hands behind his back, so they wrestled around there, nearly plumb up under my pickup.
Q Did they punch him or do anything to him?
A No. I didn't see any punching, no, sir.
Q Did he say anything that you could hear during that?
A Not that I'm aware of.
Q And what were they telling him to do?
A Put your hands behind your back.
Q And what happened to him? Could you see?
A They finally -- they finally got his hands behind his back and got him handcuffed and picked him up and took him over to the car.
Q Your house there is in Aiken County?
A Yes, sir, it is.
MR. WEEKS: Thank you. Answer any questions the Defense has for you, Colt.
THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MS. HAYES:
Q Good afternoon, Mr. Woody.
A Yes, ma'am, good afternoon.
Q The person that was on your back porch, did he try to rob you?
A Did not, no.

Q He didn't try to come into your house, did he?
A No, ma'am.
Q He wasn't trying to hide from you?
A He didn't know I was there.
Q He was just sitting there?
A He was just sitting there with his back towards the door, towards the house.

MS. HAYES: I don't have any further questions. Thank you.

THE COURT: Anything further from this witness?

MR. WEEKS: No further questions.

THE COURT: Okay. Mr. Woody, you may step down.

Any objection to Mr. Woody being excused?

MS. HAYES: No objection.

THE COURT: All right. You're free to go, sir.

THE WITNESS: Thank you.

THE COURT: Thank you.

Call your next witness.

MS. HAMMACK: The State calls Deputy -- formerly Deputy Czekaj, now, Deputy Ferrell.

THE CLERK: Place your left hand on the Bible and raise your right.

AGNIESZKA FERRELL, after being duly sworn, testified as follows:

THE CLERK: Have a seat in the witness box. State your

full name as soon as you're seated.

THE WITNESS: My full name is Agnieszka Ferrell.

DIRECT EXAMINATION

BY MS. HAMMACK:

Q And Deputy Ferrell, just for our court reporter, will you spell your last name?

A It's F-E-R-R-E-L-L.

Q Thank you. Deputy Ferrell, will you tell the jury what you do for a living?

A Yes, ma'am. I'm a sworn deputy for Aiken County Sheriff's Office.

Q And how long have you been doing that?

A Six and a half years, two years in the detention center.

Q And what do you do as a general rule on a daily basis?

A Patrolling.

Q All right. So patrolling, what does that mean? Are you sitting at a desk waiting on your phone to ring or where are you at on a daily basis?

A Well, just driving around town making sure that everything is like it's supposed to be, doing a lot of patrol checks.

Q Do you have a particular area of the county that you're assigned to?

A Yes, ma'am, I'm usually around Monetta, Monetta area,

which is Highway 39, between Monetta all the way to New Holland Road.

Q And were you working for the sheriff's office on February 27th, 2020?

A Yes, ma'am.

Q What shift were you on that day?

A Morning shift.

Q And on morning shift, what does that mean as far as what time you're getting to work?

A Well, usually, it's 6:00 a.m. to 6:00 p.m., but a lot of deputies, including myself, we sign in around 5:15, 5:20.

Q Did you sign in around 5:15, 5:20 that morning?

A Yes, ma'am.

Q How quickly did you get a call that morning?

A Well, right after we signed in, I went to get gas from our fuel point, which is located on May Royal, and within 20 minutes, I got the call for a suspicious person.

Q And what road is May Royal off of?

A Wire Road. It's between Wire Road and Columbia Highway, North.

Q May Royal, where y'all's gas station is, is that right there by the animal shelter?

A Yes, ma'am.

Q And when you were getting gas and you got a call for a suspicious person, where did that call send you to?

A It send me to New Holland -- it was Anderson Road off of New Holland Road.
Q And did you have any idea of what you were looking for when you got there?
A Suspicious person, which was described as African-American male, that's all.
Q Were you sent to a particular address on Anderson Road?
A Yes, ma'am, it was [redacted] Anderson Road.
Q And is that here in your jurisdiction in Aiken County?
A It is actually -- it is in the jurisdiction of Aiken County, yes, ma'am.
Q Do you remember what the weather was like that morning?
A It was cold and kind of drizzling.
Q And when you got out at [redacted] Anderson Road, what's actually at Anderson Road?
A I'm sorry, I didn't hear the question.
Q What's actually at [redacted] Anderson Road?
A Oh, yes, ma'am. It's a residence and quite big farm --
Q And -- oh, I'm sorry, I don't want to interrupt you.
A It's farmland and a big residence.
Q And when you got to [redacted]Anderson Road, where did you stop your vehicle?
A It was on the side of the residence, I believe it was left side. The vehicle was facing the carport, which is open carport attached to the residence.

Q And when you got there, did you approach the house or the carport?
A Yes, ma'am. Immediately, upon my arrival, I could observe the person that matched the description of the suspicious person sitting on the steps at the carport.
Q And when you saw the person matching the description of the suspicious person sitting on the steps of the carport, what was that person doing?
A He was -- the person was pretty much sitting. He had his hands tucked inside of the shirt and he was hiding his face inside of the shirt as well. It appeared like he's cold.
Q So when you first walked up, could you see his face or his hands?
A No, ma'am.
Q Could you see what he was wearing?
A Yes, ma'am, he was wearing jeans with, I think he had like a big hole on his knees and dark-colored long-sleeved shirt, no shoes.
Q What kind of -- well, let me ask you this, what condition was he in? Did he have anything on him?
A Well, he was covered in -- I don't know how to say it, but snot. He had his face and his shirt was covered in snot.
Q Was there anything on his clothes?

A There was a lot of dirt and grass and a lot of dirt.
Q Was he wet?
A Well, when we actually come to the point of handcuffing the subject, yes, he was cold. His clothes were wet.
Q His clothes were wet?
A Yes, ma'am.
Q Now, when you first got there and you saw him and you can't see his face and you can't see his hands, what did you do?
A Well, I asked him first if he's okay. I just wanted to make sure that he doesn't need any help. And the second thing is, pretty much for our safety, we ask the subjects to show us their hands.
Q And you say that's for your safety. Is that to make sure that they don't have anything that could hurt themselves or you or the homeowner?
A That's correct, yes, ma'am.
Q And when you asked him to show you his hands, did he?
A No, ma'am. He had his hands tucked in and he just wave his fingers around his face through the shirt. That's how he showed us his hands.
Q And after you asked him to show you his hands and he didn't, what did you do next?
A There was another deputy, Deputy Driscoll, he gave him several orders and then later, like, within minutes, he did

not comply. So we, actually, had to force him to the ground and get control of his arms, which were still tucked in.

When he fell to the ground after we put a lot of force on him, he was laying on his stomach and his arms were under his stomach. He was very hard to actually get control of his arms.

Q So he was not complying with what Deputy Driscoll was telling him to do?

A No, ma'am, he was not complying. And like I said, we had a very hard time to actually get ahold of his arms.

Q And were you trying to get ahold of his arms, again, for his safety and your safety and everyone's safety?

A Yes, ma'am. And the safety of the homeowner as well.

Q Is it your understanding -- well, tell me -- I'll get back to that in just a minute. The whole time that this was going on, I see you've got a black box on your uniform, what is that?

A My --

Q What are you wearing right now?

A Oh, yes, ma'am. It's my body-worn camera.

Q And were you wearing your body-worn camera the day this happened?

A Yes, ma'am, I was.

Q And did it record what happened?

A Yes, ma'am, it recorded the entire incident, but I

believe there was no sound.
Q Have you had a chance to review that camera footage to ensure it's from that day?
A Yes, ma'am.
MR. THOMPSON: Your Honor, may we approach?
THE COURT: Yes.
(WHEREUPON, a bench conference was held.)
THE COURT: All right, ladies and gentlemen of the jury, do y'all need a break? Raise your hand if you need a little bit of a break, a cup of coffee, coke, something like that? I know people get a little sleepy after lunchtime and I don't want anybody to doze off, lose focus.
Do you want to stand and stretch? Do you want to go back to your jury room? Raise your hand if you need a break at this time.
(No hands raised.)
THE COURT: All right. Let's continue on with your examination.
MS. HAMMACK: Thank you, Your Honor.
BY MS. HAMMACK:
Q Deputy Ferrell, I'm showing you what's been premarked as State's Exhibit 13. Is that your body-worn camera footage from this morning?
A Yes, ma'am.
Q And is it a true and accurate copy of what happened

that morning?
A Yes, ma'am.
MS. HAMMACK: Your Honor, at this time, we would move State's Exhibit No. 13 into evidence.
THE COURT: Any objection?
MR. THOMPSON: No objection.
THE COURT: State's 13 is admitted without objection.
(WHEREUPON, State's Exhibit No. 13 admitted into evidence.)
MS. HAMMACK: And, Your Honor, we'd like to publish it at this time.
THE COURT: Yes, ma'am.
(WHEREUPON, State's Exhibit No. 13 published for the jury.)
BY MS. HAMMACK:
Q Deputy Ferrell, when you got the call to respond to a suspicious person, the person you found in the carport at [redacted] Anderson Road, was that person supposed to be there?
A No, ma'am.
Q And after that person refused to follow your's and Deputy Driscoll's commands, were y'all trying to arrest him?
A We tried to just detain him for our safety and for the safety of the homeowner to find out what's going on pretty much at this time. And he did not want to show us his arms, his hands.

Q And did you, ultimately, attempt to arrest him for disorderly conduct?
A No, ma'am, he was placed under arrest right after we handcuffed him. It was not our intention at first.
Q Okay. Now, when we watched your video, at one point, you had a black object in your hand. What was that?
A It was my taser.
Q Did you have to use your taser?
A Yes, ma'am, I had to use my taser to activate dry stun on the subject to comply with our orders.
Q And when you say activate dry stun, that sounds like something off of Power Rangers. What does that mean?
A It just gives an electric shock. It doesn't incapacitate a person, it just gives electric shock to the body.
Q And do you use that on somebody that's not following your commands or is fighting?
A Yes, ma'am.
Q And when you activated that dry stun, did it, ultimately, affect the person?
A Yes, ma'am. We were able to get ahold of one of the subject's arms. And then I think within a minute, or less than a minute, I had to activate a dry stun again to get in compliance with his other arm.
Q Is that because he was still fighting y'all?

A Yes, ma'am.
Q How many deputies did y'all have out there?
A At the time, there was just myself and Deputy Driscoll. Another two deputies showed up, Deputy Deas and Deputy Givens.
Q And after y'all finally got him handcuffed, did you attempt to get him in the patrol car to take him on in?
A Yes, ma'am. Those three deputies, they escorted the subject to my patrol vehicle. And he was still not complying with putting his feet inside of the vehicle.
Q So after he's in handcuffs and he's arrested and y'all are trying to take him, he's still not doing what you're asking him to do?
A Yes, ma'am.
Q How many deputies did it take to get him in the patrol car?
A Three.
Q While we were watching your video, there were several things that were handed to you that came off of his person. It looks like a wallet and some cards. Did you have a chance to examine those?
A Yes, ma'am, briefly. The first thing that was handed to me was a wallet. I was just trying to find out who is the subject because he was not telling us his name. And the first ID that was located in the wallet, it didn't match the

description of the subject. The picture was different from the subject. And then Deputy Deas handed me another ID, which was the subject's ID.

Q So the second ID was the subject's ID. Were you able to confirm it by matching the picture with him?

A Yes, ma'am.

Q And what was the name on that ID?

A Lincoln, Jonathan.

Q And when you say Lincoln, Jonathan, you're reading that last name first, then first name?

A Yes, ma'am, last name is first, Lincoln, then Jonathan.

Q Were you able to identify the person you arrested that day?

A Yes, ma'am.

Q And was that Jonathan Lincoln?

A Yes, ma'am.

Q And the person you arrested that day and charged with resisting arrest, do you see him here in the courtroom today?

A Yes, ma'am.

Q Can you identify him by telling us where he's at in the courtroom and what he's wearing?

A He's at the table on the right side wearing, I believe, gray long shirt.

MS. HAMMACK: Your Honor, let the record reflect that

the witness has identified the Defendant.

THE COURT: Yes, ma'am.

MS. HAMMACK: Deputy Ferrell, I don't have any further questions for you. Please answer any questions the Defense might have for you.

THE WITNESS: Thank you.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MS. HAYES:

Q Good afternoon, Deputy Ferrell.

A Good afternoon, ma'am.

Q When you approached the man sitting on the porch, he wasn't under arrest at that point, was he?

A No, ma'am, he wasn't.

Q He wasn't under arrest at the time he was on the ground, was he?

A No, ma'am, he wasn't.

Q Your testimony was once he was placed in handcuffs, he was under arrest?

A Yes, ma'am, he's under arrest for disorderly conduct.

Q And you testified that he wasn't under arrest for disorderly conduct?

A No, ma'am, he was not under arrest when we tried to -- at first, we tried to detain the subject. And after the fight and everything, we actually applied the handcuffs and

we informed that he's under arrest.

Q So was he charged with disorderly conduct?

A Yes, ma'am.

MS. HAYES: No further questions.

THE COURT: Anything further from this witness?

MS. HAMMACK: No, Your Honor.

THE COURT: Thank you. You may step down.

THE WITNESS: Thank you.

THE COURT: Any objection to Deputy Ferrell being excused?

MS. HAYES: No objection.

THE COURT: You're free to go. Thank you.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

MS. HAMMACK: Your Honor, the State calls Amber Collins.

THE CLERK: Place your left hand on the Bible and raise your right.

AMBER COLLINS, after being duly sworn, testified as follows:

THE CLERK: Have a seat in the witness chair and state your full name.

THE WITNESS: Amber Way Collins.

DIRECT EXAMINATION

BY MS. HAMMACK:

Q Good afternoon. I don't know whether to call you Officer or Ms. How do you want me to address you?
A Amber's fine, whatever you like.
Q Thank you. Amber, what do you do for a living?
A I'm the forensic drug chemist for Aiken County Sheriff's Office.
Q And as a forensic drug chemist, what does that mean that you do?
A I analyze all of the thought-to-be controlled substances that are collected throughout the county.
Q And Amber, there's a microphone in front of you with a cover on it. I just want to make sure that the back of the jury can hear you.
A Okay.
Q Did you have to go for any particular education or training in order to become a forensic drug chemist?
A I have a Bachelor's Degree in chemistry and I was trained by the South Carolina Law Enforcement Division, or SLED.
Q And after you conducted that training -- was that class training and practical, hands-on training?
A Yes, ma'am, it was both.
Q And once you completed that training and began testing controlled substances collected by law enforcement here in Aiken County, do you have to do any ongoing training or

education to stay up to date with science and information?
A When able, I attend conferences, but every Friday, I meet with three other chemists within the state and we go over each other's case work.
Q And, Amber, this might be an unfair question, but do you know about how many times you've tested a substance here in Aiken County?
A Over 10,000.
Q How many years have you been doing it?
A Fifteen.
Q And, Amber, have you ever testified in court before?
A Yes, ma'am.
Q About how many times?
A Seventeen.
Q Have you ever been qualified as an expert before?
A Yes, ma'am.
Q About how many times have you been qualified as an expert?
A Seventeen.
Q And when you've been qualified as an expert, have you come to testify about how you identify and analyze controlled substances?
A Yes, ma'am.
MS. HAMMACK: Your Honor, at this time, we would offer Ms. Collins as an expert in drug identification and

analysis.

THE COURT: Any voir dire?

MR. THOMPSON: No objection.

THE COURT: All right, ladies and gentlemen, normally, a witness must testify as to their personal observations, what they saw, smelled, touched, taste and heard, et cetera and, generally, do not give opinion testimony. However, when someone is qualified by virtue of their training, knowledge and experience in some particular field, they are permitted to give you opinion testimony within the area of their expertise and the reason for their opinions.

Ms. Collins is qualified as an expert in the area of drug identification and analysis. You do not have to accept her opinions as the gospel, so to speak. Just like any other witness, you give her testimony the weight and credibility you think it deserves.

Ms. Hammack.

MS. HAMMACK: Thank you, Your Honor.

BY MS. HAMMACK:

Q Amber, did you have an opportunity to test any substances related to this case?

A Yes, ma'am.

Q When you test any substance submitted to you, where do you get those items from?

A There's a locker, it's like an old US dropbox postal

locker outside that's locked and I have the key. There's a camera on it. I retrieve the items from there.

Q So when any deputy for the sheriff's office collects a substance that they believe to be drugs, is that what they're supposed to do is put it in that locker?

A They're supposed to fill out a BEST evidence kit and put it in the envelope and drop it in the locker.

Q And that envelope, is it sealed so nobody else can open it?

A Yes, ma'am, it's a tamper-evident pouch, so that if there was any form of tampering, you would be able to see it.

Q And, specifically, you would be able to see it?

A Correct.

Q And when an officer puts drugs into this drug locker, can that officer then access that drug locker and get those drugs back for any reason?

A No, ma'am.

Q Who can access that drug locker?

A You said can?

Q Who can?

A Me, myself.

Q So you have the only key to that drug locker?

A Yes, ma'am.

Q And it's under surveillance by a camera?

A Yes, ma'am.
Q Do you personally go collect drugs out of that locker to test or do you make someone else go get them?
A No, ma'am, I do it.
Q So did you go get the drugs out of the drug locker in this case?
A Yes, ma'am.
Q And when you got those drugs, were they in a BEST evidence kit?
A Yes, ma'am.
Q And was that BEST evidence kit sealed?
A Yes, ma'am.
Q And, Amber, when you look at a BEST evidence kit, if there was any indication that it had been opened or changed or altered or tampered with, would you test those drugs?
A Absolutely not.
Q Amber, I'm going to hand you what's at this point only been marked for identification. Will you take a look at this and see if you recognize it?
A Yes, ma'am.
Q And how do you recognize it?
A It's one of our Aiken County Sheriff's Office BEST kits and my initials are maintained here and where I sealed it.
Q So when you seal a BEST kit, is that after you examine what's inside of it?

A Yes, ma'am.
Q And you initial over where you've sealed it?
A Yes, ma'am.
Q If somebody were to then go back after you and open that, would it disrupt your initials?
A Yes, ma'am.
Q So you could look at that and see if it's been opened?
A Correct. It has not.
Q And when you look at that, can you see who submitted that to the drug locker for your examination?
A Officer Knight.
Q And that BEST kit, does it say when that was submitted?
A The date it was sealed was 2/27/2020.
Q And, again, if there was anything wrong with that, would you test it?
A No, ma'am.
Q Amber, I'm going to ask you to do something that, as you've testified, nobody else has done yet. I'm going to ask you to open that BEST kit.
A Okay.
Q Scissors okay?
A Yes, that's fine. This is a first for me. Okay.
Q Amber, inside of that BEST kit, is there just a single substance?
A No, ma'am.

Q So there are multiple substances inside that BEST kit?
A Yes, ma'am.
Q When you test an item that's been submitted to you, if you have several substances submitted to you, do you test them separately?
A Yes, ma'am.
Q And when you test substances, what are you trying to determine?
A If there's a controlled substance present.
Q And when you say a controlled substance, what does that mean?
A Anything like methamphetamine, heroin, cocaine, crack, anything along those lines, pills, prescriptions, little bit of everything.
Q And did you test the multiple substances in this case?
A Yes, ma'am.
Q And when you test them, if -- well, whether you can come to a conclusion or not, do you produce a report about what you've done and what you found?
A Yes, ma'am.
Q And in that report, do you separate the different items in your conclusion based on the different items?
A Yes, ma'am.
Q Amber, in this case, did you test each of those items in your hand?

A Yes, ma'am.
Q And in each of those items, were you able to form a conclusion based on a reasonable degree of scientific certainty as to the identification of those items?
A Yes, ma'am.
Q Do you have your report with you?
A I do.
Q Specifically, I want to start with items numbers one and two --
THE COURT: Yes, sir.
MR. THOMPSON: Your Honor, at this moment, I have a matter that needs to be taken up outside the presence of the jury.
THE COURT: Okay.
Ladies and gentlemen of the jury, please return to your jury room. Don't discuss the case amongst yourselves. We'll bring you back out shortly.
(WHEREUPON, the jury exits the courtroom at 4:10 p.m.)
THE COURT: Yes, sir.
MR. THOMPSON: Your Honor, I, of course, cannot predict the future and do not know how to read minds, but I would object to this report being entered into evidence insomuch as the report, Your Honor, has one, two, three, four, five, six, seven, eight, nine, ten, eleven, it has 12 different items on it, some of which are prescription medication for

Mr. Lincoln that was found in Mr. Lincoln's car that's not illegal for him to have because he has a prescription for it.

I would just ask that it be -- I think it would be difficult to enter the report into evidence and for the jury to see a report that's got all kinds of redactions on it. It's going to make it look bad and it's probably more prejudicial than it is probative.

We have absolutely no objection if she's going to talk about how hey, this is cocaine, this is heroin, this is methamphetamine that I tested and was found in this BEST kit. But the report itself I think is misleading in that it contains information about things that are not illegal for Mr. Lincoln to have.

THE COURT: Correct, but given the fact that there has been testimony about prescription drugs and those prescription bottles with his name entered into evidence, does this simply not complete the picture? I mean, how is it prejudicial?

MR. THOMPSON: Your Honor, I would also say, apparently, there are some other things that he's not charged with at this time that are on the report. And that's my only argument, that it's misleading in terms of whether he's guilty or innocent of the charges before us today.

But, again, we don't have any objection at all to Ms. Collins testifying about the fact that there is drugs that were in the indictments and the weights of those drugs. I don't have an objection to it.

THE COURT: Understood. We're also talking about a report I've never seen.

I don't know what you're going to say, Ms. Hammack.

MS. HAMMACK: I may can save us some time, Your Honor. I don't intend on entering the report into evidence. And, specifically, the reason I'm asking Ms. Collins item-by-item is because there are other items, such as fentanyl, prescription drugs and marijuana. And because we are not prosecuting him today for those substances, I was not going to ask her about those or enter those.

MR. THOMPSON: And with that in mind, I would withdraw my objection.

MS. HAMMACK: And that's why I'm having her open it so we just enter the drugs for which we're prosecuting him today.

THE COURT: Understood. Sounds like we've worked it out.

THE WITNESS: Can I ask a question?

THE COURT: Sure.

THE WITNESS: Am I going to be pulling anything out of here?

MS. HAMMACK: No.

THE WITNESS: Okay. Because there's fentanyl and other stuff, I'd prefer gloves and a mask.

MS. HAMMACK: I'm not going to ask you to open the bags, but the separate, like, meth -- okay.

THE COURT: Let's take five minutes or so.

(WHEREUPON, a short recess was taken.)

THE COURT: Bring the jury in.

(WHEREUPON, the jury enters the courtroom at 4:25 p.m.)

THE COURT: Ms. Hammack, you may continue with your examination.

MS. HAMMACK: Thank you, Your Honor.

BY MS. HAMMACK:

Q Amber, I want to bring your attention to items one and two from your report.

A Okay.

Q What were the items you tested in items one and two?

A Item one was three plastic corner bags containing crystal-like substance. Item two was two plastic bags containing crystal-like substance.

Q And did you test both of those items?

A Yes, ma'am.

Q And were you able to come to a conclusion as to what those items were to a reasonable degree of scientific certainty?

A Yes, ma'am.
Q What were those items?
A They were both found to be methamphetamine.
Q And what was the total weight of the methamphetamine in those five bags?
A You making me do math. Around 49 grams.
Q Item one was how many grams?
A 1.53 grams.
Q And item two was how many grams?
A 47.57 grams.
Q And, Amber, are those items before you now?
A Yes, ma'am. Would you like me to pull them out?
Q I would love you to pull them out.
A (Witness complied.) This one is item two --
Q Give me just a second.
A Item two and item one.
Q So item two you've stated was 47 grams approximately of methamphetamine?
A Yes, ma'am.
MS. HAMMACK: I am marking now as State's Exhibit 16 and entering that into evidence.
THE COURT: Any objection?
MR. THOMPSON: Without objection.
THE COURT: State's 16 is admitted without objection.
(WHEREUPON, State's Exhibit No. 16 admitted into

evidence.)
BY MS. HAMMACK:
Q And, Amber, you stated item one, you concluded, was 1.53 grams of methamphetamine?
A Yes, ma'am.
MS. HAMMACK: I am marking that as State's Exhibit 17 and at this time, we would move State's Exhibit 17 into evidence, Your Honor.
THE COURT: Any objection?
MR. THOMPSON: Without objection.
THE COURT: State's 17 is admitted without objection.
(WHEREUPON, State's Exhibit No. 17 admitted into evidence.)
BY MS. HAMMACK:
Q Amber, I'd like to refer you to items three and four that you tested?
A Yes, ma'am.
Q What were the items that you tested in items three and four?
A Item three was a plastic bag containing powdered substance, four was a plastic bag containing powdered substance.
Q And were you able to form a conclusion as to the identity of those substances to a reasonable degree of scientific certainty?

A Yes, ma'am, both were found to be cocaine.
Q And what was the weight of cocaine on item three?
A Point 96 grams.
Q And what was the weight of cocaine on item four?
A Point 60 grams.
Q And can you pull those items for me?
A Yes, ma'am. This one is number three.
Q And item three that you testified as point 96 grams of cocaine I am marking as State's Exhibit 14.

MS. HAMMACK: At this time, Your Honor, we would move State's 14 into evidence.

THE COURT: Any objection?

MR. THOMPSON: Without objection.

THE COURT: State's 14 admitted without objection.

(WHEREUPON, State's Exhibit No. 14 admitted into evidence.)

THE WITNESS: This is number four.

BY MS. HAMMACK:

Q Amber, item four that you identified as 0.60 grams of cocaine, I am marking as State's Exhibit 15.

MS. HAMMACK: At this time, we would move State's 15 into evidence, Your Honor.

MR. THOMPSON: Without objection.

THE COURT: State's 15 is admitted without objection.

(WHEREUPON, State's Exhibit No. 15 admitted into

evidence.)
BY MS. HAMMACK:
Q Amber, I'd like to bring your attention to item number five that you tested in this case. What was the item you tested that was labeled item five?
A Plastic corner bag containing rock-like substance.
Q And did you test that item?
A Yes, ma'am.
Q And were you able to come to a conclusion as to the substance you tested to a reasonable degree of scientific certainty?
A Yes, ma'am. Heroin was found.
Q And was there a weight on that heroin?
A Yes, ma'am, 1.49 grams.
Q Can you pull the 1.49 grams of heroin that you tested?
A Yes, ma'am. Number five.
MS. HAMMACK: At this time, I am marking that heroin as State's Exhibit 18.
And Your Honor, we would move State's 18 into evidence.
MR. THOMPSON: Without objection.
THE COURT: State's 18 is admitted without objection.
(WHEREUPON, State's Exhibit No. 18 admitted into evidence.)
BY MS. HAMMACK:
Q Amber, when you test these substances, you are looking

to identify what they are and also the weight or how much they are. All of these items that you have testified to, you have testified to their weight in grams?

A Yes, ma'am.

Q Is there another unit of measurement for heroin?

A Yes, ma'am.

Q Is that grains?

A Grains, yes, ma'am.

Q And I know you already said something about me making you do math --

A I already got it written down.

Q Do you know how many grains of heroin are in the 1.49 grams of heroin that you identified in this case?

A Yes, ma'am.

Q How many grains of heroin is that?

A 22.99 grains.

MS. HAMMACK: Amber, I don't have any further questions for you. Please answer any questions the Defense may have.

THE WITNESS: Yes, ma'am.

THE COURT: Cross-examination.

MR. THOMPSON: No questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

THE WITNESS: Thank you, Judge.

MR. WEEKS: One very short recall witness to ask a question.

THE COURT: Okay.

MR. THOMPSON: Without objection.

MR. WEEKS: Your Honor, the State would recall Officer Knight.

THE COURT: All right. Officer Knight is still under oath. You may proceed.

MR. WEEKS: Thank you.

DIRECT EXAMINATION

BY MR. WEEKS:

Q Officer Knight, at some point past the morning hours of February the 27th, 2020, did you obtain warrants for the arrest of Jonathan?

A I did. I completed warrant applications and had it turned into bond court.

Q Okay. So, specifically, the warrant for --

A The warrant for failure to stop --

Q -- trafficking in methamphetamine?

A Trafficking in methamphetamine, PWID heroin, PWID cocaine, failure to stop.

Q Thank you. And those warrants were, ultimately, served on him and that's what brings us here today?

A Yes.

MR. WEEKS: Thank you.

THE COURT: Anything from this witness?

MS. HAYES: No --

BY MR. WEEKS:

Q What does PWID mean?

A Possession with intent to distribute.

THE COURT: Now, any cross-examination of this witness?

MR. THOMPSON: No questions.

THE COURT: Okay. Thank you. You can step down again. Call your next witness.

MR. WEEKS: The State rest.

THE COURT: Okay.

Ladies and gentlemen of the jury, the State has now rested its case. You've heard all the testimony you're going to hear from the State. All that remains is the -- the next step would be any defense witnesses, if they're going to happen. They may not, they don't have to. But it is already a little after 4:30, so we're going to call it quits for the day and send you home.

Do not discuss the case amongst yourselves or with anyone else. Do not do any research about the case. Go home and be back in your jury room at 9:30 tomorrow morning and we'll finish the case then. Thank you.

(WHEREUPON, the jury exits the courtroom and is excused for the day at 4:36 p.m.)

THE COURT: Any motions?

MR. THOMPSON: Your Honor, two. First of all, we would make a general motion for a directed verdict in that in a

118

review of the evidence in the light most favorable to the State that they have failed to prove the indictments against Mr. Lincoln.

THE COURT: That is denied.

MR. THOMPSON: Secondly, we would move specifically on the charge of resisting arrest. We would argue that the video is not terribly helpful and that the officer testified that he is not under arrest or they're not seeking to put him under arrest until after they get him into handcuffs. He may be resisting detainment earlier than that, but he's not resisting arrest. He is not charged with resisting detainment, he is charged with resisting arrest.

When they come upon Mr. Lincoln, at that point in time, they do not know who -- the unrelated car chase, drug case may or may not be related to Mr. Lincoln. At that point in time, these events are separate. They're isolated. They're just going for a suspicious person who's on this gentleman farmer's carport.

When they come up to him, he's cold. He's kind of sitting there and he doesn't want to cooperate with them, but he's not under arrest. I believe the officer even testified that half of what they're doing is kind of a well check to see how he's doing.

We would argue that there's a failure to prove that he's resisting arrest and, therefore, directed verdict ought

to issue for the Defendant on that charge.

THE COURT: Let me hear from the State.

MR. WEEKS: I would concede that the officer, when she was first describing it said that he was not under arrest, but she, based on their question, communicated he was being arrested for disorderly conduct. And when she got him out to the patrol car, he was, once again, disorderly and it took three of them to get him into the patrol car. That's after he was arrested. And she did charge him, according to her, with disorderly conduct.

That's the State's response to that. I believe that passes the test of in the light most favorable to the State.

THE COURT: I think it does, too. That bit about him resisting efforts to get into the police car and it was on cross-examination that she clarified the disorderly conduct.

So your motion for directed verdict on that issue is respectfully denied.

MR. THOMPSON: Thank you, Your Honor.

THE COURT: All right. Does the Defense have a case? Are you going to put up witnesses? Do you want me to advise your client of his right to testify?

MS. HAYES: Yes, Your Honor.

THE COURT: Mr. Lincoln, you can stand where you are.

THE CLERK: Stand up. Raise your right hand.

JONATHAN LINCOLN, after being duly

120

sworn, testified as follows:

THE CLERK: He's sworn, Your Honor.

THE COURT: All right. You can stay standing, please.

Mr. Lincoln, at this time, I'm going to explain to you certain of your rights. If you do not understand anything I say, please let me know. If you want me to explain anything in more detail, please let me know.

Do you understand?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Right now, we have reached the stage in the trial where you may present your defense. You have the right to claim the protections given to you by the Fifth Amendment to the Constitution of the United States. This amendment states in part that no person shall be compelled in any criminal case to be a witness against himself. This means that you cannot be required to testify in this case. You have the right to testify on your own behalf; however, no one can make you testify. This is a personal right and no one can waive this right except you.

If you decide to testify, you will be subject to the same rules that govern other witnesses and you may be examined and cross-examined on any relevant issue in this case.

In addition, if you have any convictions involving dishonesty or false statement or for crimes punishable by

more than one year and this Court determines that the probative value of admitting that evidence substantially outweighs its prejudicial effect to you, the Solicitor will be able to introduce your record to attack your credibility.

If you decide to testify, this decision on your part must be freely, voluntarily and intelligently made with knowledge of the protections given to you by the Fifth Amendment and the consequences of your decision to testify.

If you decide not to testify, I will instruct the jurors that they cannot give the fact that you did not testify any consideration whatsoever and that there is to be absolutely no prejudice to you because you did not testify. It is left entirely up to you whether or not you testify. You may talk with your attorney, your family and friends or anyone else, but the final decision will be left entirely up to you.

Do you understand what I have explained to you?

THE DEFENDANT: I do.

THE COURT: Do you have any questions about what I have explained to you?

THE DEFENDANT: No, Your Honor.

THE COURT: Okay. You can have a seat. Normally, the next question would be will you testify, but since it's late in the day, I'm going to give you overnight to think about it, talk about it. You may change your mind and I don't

122

want to get an answer from you now if you change your mind by morning. So we will get that answer from you in the morning. Okay?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay.

Are there proposed jury charges from the State or from the Defense?

MS. HAMMACK: Your Honor, given the time, if we could kind of chew on that overnight and let you know in the morning.

THE COURT: That's fine.

So I will see y'all at 9:30 tomorrow morning with the proposed jury charges.

Now, Mr. Lincoln is on bond, but the trial has begun. I think Mr. Lincoln has got to go into custody overnight tonight.

All right. 9:30 tomorrow.

(WHEREUPON, court was adjourned for the day to be reconvened on Friday, July 23, 2021.)

FRIDAY, JULY 23, 2021

THE COURT: Mr. Lincoln, yesterday, I explained to you your Constitutional rights, your right to testify or your right to choose not to testify. Have you had sufficient time to discuss with your attorneys, family, friends, whoever about whether you should testify in this case?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you need any more time to talk to anyone?

THE DEFENDANT: No, Your Honor.

THE COURT: Do you need me to explain anything to you in further detail?

THE DEFENDANT: No, ma'am.

THE COURT: Do you wish to testify in this case?

THE DEFENDANT: Yes, ma'am.

THE COURT: Thank you. You may have a seat.

Anything this morning before we bring in the jury?

Yes, ma'am?

MS. HAMMACK: Just wanted to bring up the Defendant's prior criminal history that could be used as impeachment should he testify. I believe the only things that would qualify -- he's got some crimes of dishonesty that are older than ten years old, but, specifically, within the ten-year window, he's got a giving false information from August of 2011 and then he's got two convictions for possession with intent to distribute marijuana from December of 2011.

THE COURT: And the State seeks to introduce all three of those convictions?

MS. HAMMACK: I think all three are proper under the law. I think given the charges in this case, it may be more appropriate to refer to the marijuana convictions simply as

124

felony convictions or convictions for a crime carrying over a year in the last ten years as opposed to actually naming the offense.

THE COURT: Okay. What says the Defense?

MS. HAYES: Your Honor, the Defense would argue that the drug convictions are more prejudicial than probative. In regards to not really just dishonesty crimes, it shows that he's had those convictions and makes the jury more susceptible.

MS. HAMMACK: Your Honor, that's specifically why the State is offering not to mention the drug convictions, to minimize that prejudicial value.

THE COURT: Right, but then I don't know what they're probative of when you just refer to two felony convictions.

MS. HAMMACK: Because the Rules of Evidence allow that prior convictions for a crime carrying more than a year can be used for impeachment.

THE COURT: If the Court determines that the probative value of admitting the evidence outweighs the prejudicial effect.

MS. HAMMACK: Absolutely, Your Honor. His credibility is just as important to the jury as any other witness that testifies and that goes to his credibility as a witness.

THE COURT: Let me hear from the Defense about referring to them as felony convictions.

MS. HAYES: Your Honor, just referring to them as felony convictions is more like character evidence and that's what the jury is going to consider it as, which is not allowed.

THE COURT: I tend to agree with the Defense because it does not directly comment on the credibility of the witness. If they were, in fact, crimes of dishonesty or false statement, certainly, that connects credibility, but just to say he's a criminal, you know, he has two felony convictions, I think would be improper character evidence in this situation. So I will not allow the two drug convictions from December of 2011 to be mentioned.

What's the Defense's position on the false information?

MS. HAYES: I don't think that one should be mentioned either.

THE COURT: I agree. So the State can't, of course, mention that, question the witness about that.

Anything else before we bring in the jury?

MS. HAMMACK: Nothing from the State, Your Honor.

THE COURT: From the Defense?

MS. HAYES: Your Honor, the Defense at this time does have a Defense request to charge. I believe I gave that to your clerk. There is a court case that I need to attach to that.

THE COURT: If you will pass that up and we will -- I

126

suppose we can go ahead and discuss that now.

Let me hear from the State on the Defense request to charge right to resist unlawful arrest.

MS. HAMMACK: We don't have an objection.

THE COURT: Easy enough.

And my clerk tells me, Ms. Hammack, you mentioned something about direct and circumstantial evidence. I wasn't clear about what you meant.

MS. HAMMACK: Your Honor, I think this is probably a case that would warrant the change defining both direct and circumstantial evidence, but we would defer to Your Honor's charge on that.

THE COURT: Okay.

MS. HAMMACK: That was all.

THE COURT: Okay. Good enough. We'll circle back with the charge after the Defense rest.

Bring the jury in, please.

(WHEREUPON, the jury enters the courtroom at 10:02 a.m.)

THE BAILIFF: The jury is present, Your Honor.

THE COURT: Thank you, ma'am.

Good morning, folks. As you heard yesterday afternoon before you left for the day, the State rested its case, which means that you've heard all the evidence that you're going to hear from the State. It's now time for the Defense

to present its case. I'd ask that you give the Defense your full attention.

Defense may call your first witness.

MS. HAYES: Your Honor, at this time, the Defense calls Jonathan Lincoln to the stand.

THE COURT: Mr. Lincoln, come around and be sworn.

THE CLERK: Place your left hand on the Bible and raise your right.

JONATHAN LINCOLN, after being duly sworn, testified as follows:

THE CLERK: Have a seat in the witness box and state your full name.

THE COURT: Make sure you pull that microphone in front of you.

DIRECT EXAMINATION

BY MS. HAYES:

Q Good morning, Mr. Lincoln.

A Good morning.

Q How are you today?

A I'm fine.

Q I'm going to need for you to speak up so the jury can hear you. They need to hear what you're saying, so speak up because you are a little soft-spoken. Okay?

A Yes, ma'am.

Q Do you remember the night of February 26th?

A I do.
Q Of 2020. Can you tell me what you were doing that night?
A I was preparing myself to move.
Q You were in the process of moving. So what was going on?
A Earlier in the day, I had packed all my belongings. I had went to my storage unit and put away the things that I was not going to take to the new residence with me. Just prior to the incident in question, I went to the Burger King on Columbia Highway, which is also known as No. 1. I went to the Burger King there, ordered a meal. I sat in the parking lot and ate the meal.

I then went to the Dollar General that is right across the street. I went in and bought some Murphy's Oil treatment stuff because I was getting ready to get on -- you know, make a trip, so I was doing like a pre-trip inspection of my vehicle, checking all the lights, tag, lights, things of that nature.

I don't know how far you want me to go. I can tell you everything that happened that night.
Q Where did you go -- let's go farther. Where did you go after you left the Dollar General?
A After leaving the Dollar General, I went further up Columbia Highway, also, known as No. 1, under the interstate

to a road called Piper Road or either Piper Street. It's one of those two, but it's Piper.

Q What were you going there for?

A I was going to talk to my nephew, Adonis, to see if he would like to ride with me to the new place that I was moving to.

Q Did you go to his house?

A Yes, ma'am.

Q And tell me what happened next.

A When I pulled into the yard, it's a relatively dark yard. There's a primary house on the property that sits at the front, then that same person owns a trailer that sits behind his residence. And it's separated by a very small fence.

I pulled into the driveway as instructed by my nephew's mother, which is not my sister, but which is my brother's --

Q You can just call her your nephew's mom.

A Yeah, nephew's mom. I don't like to use the term baby's mama. It sounds a little --

Q You can use nephew's mom?

A It's my nephew's mom, but we are close because my nephew is like 25 years old, so he's not a young guy.

So I pulled into the yard. I have to relieve myself -- and it's also an understanding --

Q Hold on. What do you mean? You had to do what?

A Relieve my -- use the bathroom.
Q Okay.
A So it's an understanding between me and my nephew and his mother, like, I don't come knocking on her door at ten o'clock at night. So, mainly, what I do when I go to see Adonis because he doesn't really keep a cell phone -- and that's weird and I know it, but he doesn't keep a cell phone regularly.

So I pull into the yard and I leave my lights on and I turn my music -- I mean, I keep my music just enough where if they're in the house, he can hear it. He'll know it's me and he'll come outside if he's not already sitting outside because he sits outside a lot.

Continue?

Q So you get out?
A Yes, ma'am.
Q Tell me what happens then.
A I get out of my truck. I take about, I guess, six or seven steps to where this gentleman is at with the brown coat, tan coat, that's about how far I am from my vehicle. I have my tablet in my hand because I'm playing my music off of my tablet and I can also control the volume to my radio from my tablet in case someone comes out and is like hey, turn the music down, you know.

So I'm using the restroom right here and kind of

131

looking at my tablet like this right here. So I'm looking back this way in the same direction that my truck is pointing, but I'm not really looking at my truck. I'm looking more at the woods behind the house, behind the trailer.

While I'm using the restroom, I notice that the lights on the trees are moving. So it kind of -- you know, if you see lights moving, you know a car's moving, so I'm thinking either a car's pulling in or my truck's pulling out. So I turn around and look and my truck's pulling out of the yard.

Now, at this time, I don't know for sure what is going on. I know now today. And at that time, I had a --

Q You said you turned around and your truck was leaving?

A Yes, ma'am, it was backing out of the driveway.

Q At that moment, what did you think?

A At that moment, I immediately thought that my nephew was in my truck. I immediately knew it and thought it.

Q You thought your nephew was taking your truck?

A Yeah. Not in a criminal way, not like stealing my truck, but I caught you slipping, you know, one of those type of playful things.

Q A joke?

A Yeah.

Q The truck is now leaving this driveway. What are you doing?

A I'm walking toward the truck trying to tell him like hey, stop playing, man, stop playing, basically, like that. But he can't hear me or anything, so I'm kind of like body language, more or less, like, man, come on, man, stop playing, I got stuff to do. And he backed out -- I don't even know if he was looking at me at this point because I can't see inside the truck.

Q And your belief at that time is you think it was your nephew, but you don't know?

A I have no idea.

Q But that's what you thought at the time?

A Yes.

Q So the truck does stop. So after that, what happens?

A Well, at that point, I walk to the trailer where he lives. I tap on the door kind of lightly and I go around to his window and I tap a little harder on his bedroom window. Like I say, I don't want to wake his mom or disrupt his mom because she can be a little snippy.

So I give it -- I don't want to quote exact times, but I give it about maybe 10, maybe 15 minutes for him to pull back up.

Q Did anybody answer the door of the trailer?

A No, ma'am.

Q So no one responded to your knocks. All right. And after you waited 15 minutes, did the truck come back?

A No, ma'am, it did not.
Q So then what did you do?
A At that time, I kind of gave the house a once-over, a look to see, you know, if anybody was in there because now, I'm not so worried about waking his mom up because now, I'm a little mad. So I'm like well, you know, you shouldn't have been playing.

So I go back to the house and look it over. I don't hear anybody in there. I don't see any signs of life or movement in there. So at this point, I'm really mad because now, nobody is there to even help me and I'm out here way out.

So I begin to walk. I get on Piper Road. Piper Road, if you make a left onto it going the same way that I came, you go right back to No. 1.

Q And how far down Piper Lane would you estimate that your nephew lives?
A In miles or time?
Q Well, how long did it take you to walk from your nephew's house to No. 1?
A I would say probably in between 20 to 30 minutes to walk from there to there.
Q So you're walking, what do you do next? Tell us what happened next.
A Well, the entire time that I'm walking, I'm searching

for anybody's residence that has, like, an open WiFi signal. Because I have a function on my phone, I don't know if anybody's familiar with it -- well, you can track your device using Google Track My Device is what it's called.

Q You said a function, would you call it an app?

A App, yes, I'm sorry, app.

Q So you have an app on your phone. Tell us what it does.

A Google Track My Device, it allows you to put devices onto like, I guess, your list of devices that are accepted. You can use this app to track your device almost anywhere. I've used it prior to track a device to the train station in Columbus, so I know it works pinpoint almost, the satellite accuracy.

Q But at this time, you don't have WiFi so your tablet is not working?

A My tablet's not working.

Q Okay. So what do you do next? You're walking, what happens next?

A Well, I continue walking until I get to No. 1. I make a right walking on No. 1. From Piper Road to the interstate is probably a four-or-five-minute walk. You can definitely see the interstate from right there.

So it's like go under the interstate and the first business that you approach will be McDonald's on your right

and Waffle House on your left. And there's a hotel -- Waffle House right here, there's a hotel right here and then there's Shaw Industry right there, and it's another hotel right there and a gas station right there. Gas station would have been closed. McDonald's, I believe, was closed, also.

So I walked over to the Waffle House because, you know, there's always people at the Waffle House. But at this time, there was like maybe one customer in the Waffle House. He didn't really look like he wanted to be bothered. I didn't really bother him. I didn't feel like I was in a state of panic at this point. I'm mad, but not panicking.

So I see the hotel. I attempt to get close to the hotel, but I don't have a room there and I don't want to be trespassing, so I try to stay as far away from the hotel while still being able to catch their WiFi signal. So I'm standing kind of at Shaw and that hotel's property. And I'm standing out kind of close to the road.

Tell me when I should stop or just continue.

Q And were you able to get WiFi from the hotel?

A No, I was not.

Q So then what happened?

A A vehicle pulls up -- a vehicle pulls up. I can remember the vehicle being white. There was one occupant in the vehicle, it was a white female. She rendered me aid. I

cannot speak to why or what made her --
Q So when you say she rendered you aid, what did she do?
A She stopped to see how she could help me. And I told her well, the first thing you can do to help me is to allow me to use your WiFi. Because I was trying to give her a way to help me without actually having to even touch me or me get near her because I was trying to make -- because this might be my only help, so I'm trying not to scare her off. I know sometimes, you know, people can come off somewhat threatening, so I'm trying to be like if you can just give me a WiFi signal, I can handle everything from there.

So she was like fine. She cut on her WiFi hotspot. She pings her signal. I log into her signal. My tablet's up and working. I jump onto my Google Track My Phone and immediately once I answer the appropriate questions, I immediately know where my phone is at. And my phone is in my truck, so now I know where my truck is at.
Q So you pinged your phone. I have a question I'm sure everybody wants to know. When you got to the Waffle House, why didn't you call the police when you got to the Waffle House and you tell them that someone took your truck?
A I understand that this may not be proper protocol, but I did not want to call the police on my nephew. I mean, he just had lost his brother. He going through some things. He had just lost his job. And for me to compound all of

that by calling the police on him.
Q So you think it's your nephew who's got your truck?
A Excuse me?
Q You think it's your nephew who's got your truck?
A At this time, I don't know. I do know today that it was.
Q So after you ping your phone, what do you do then?
A I inform the young lady of the information I just found out. I told her, you know, I found my truck, I found my phone, would you please be so nice as to take me to it. And she obliged me and said come on, yeah, it's no problem. I got in the vehicle with her and I'm sitting there tracking my phone to this point.
Q Where did she take you?
A She took me, ultimately, to the intersection of Shaws Fork and New Holland Road.
Q Is that where your phone was pinging, in that area?
A Well, when I told her where, I only told her New Holland Road. So when she seen New Holland, she assumed that her deed was done. And I was like, well, it's a little bit more on down the road here. And she's looking down the road like that road is extremely dark. I don't know you like that. She was, more or less, like well, you know, I got to go.
So I'm like -- I'm extremely happy to get this far, so

I'm like yes, thank you. If I can ever find you in the future, I will definitely look out for you. You know, at this time, I think I'm fixing to get my truck back.

Q Okay. So she lets you out at Shaws Fork and New Holland Road. At that point, what do you do?

A I book it. I start on foot walking down New Holland Road. I, in fact, see officers. I see cars. I see police cars, none with their lights on. And they should have, in fact, seen me walking down New Holland Road.

Q So tell me -- once you're in that area, what all are you doing? Where are you going? What are you doing?

A If you're familiar with that area, it's very wild. I mean, like animals and stuff like that right there and it's extremely dark. So I'm walking, I'm scared. I get chased by animals a few times because people out there, they don't tie their dogs on. You know, their property is so big, they don't have reason to tie their dogs on. So when their dogs come running at you -- and they not really used to seeing people walk down the road because it's not a place where people really walk.

So I'm scared, I'm running, jumping up in trees, jumping on picnic tables to get away from animals, stuff like that right there. And this was a really, really long walk. I had no idea that road was that long. And I walked all the way until I got to where -- I think it's important

to say that when I got out of the car, I ceased to have internet. So wherever my -- whatever my tablet was showing me at the time I lost my internet, that's what it was still showing. So it's still showing that my vehicle and my phone are there, but this information is old. It's like --

Q To where it pinged last?

A Yeah, that's where it pinged last.

Q So, ultimately, you're out in this area. What are you doing out there?

A I'm looking -- trying to get to the spot where my phone last pinged from, so I'm walking. On my way, these things are taking place, you know, I got chased by two sets of dogs. Sometime I might have just been jumping from stuff that was imagined, noises and stuff, but I did get chased by dogs twice on my way to the car.

Q So you're searching for -- you're out there. When did -- I guess, tell us what happened. You got chased by the dogs. What happened after that?

A It's really uneventful, just walking and trying to -- and like I say, only things that I remember or that are pertinent, I guess, to this situation is that I was walking and I seen the officers. I seen some of the cars.

It took me a while to get to the location. I don't have any way of knowing how long it took me to get there. I just know it was extremely long. I was extremely tired.

But what Officer Czekaj said about me having snot on my -- I mean, all that is very true.

Q Well, let's fast forward to that morning when you were -- how did you come to be on Mr. Woody's porch?

A When I got to the place where it said my truck was at, when I got to the point where it said my phone and my truck was at, I looked and it's a big swamp of darkness. It's nothing. Now, at this point, I'm deflated. I done walked all the way down here.

And I didn't really realize -- at the time, I wasn't really thinking that this information is old as the last time I had internet access. I wasn't really thinking about that. I'm thinking it's still pinging, it's still pinging, it's still pinging, you know, so it's still there. When I get there, I don't see anything. I'm totally deflated. I mean, I have no way of getting home. No way of calling anybody. I'm out here in -- I mean, it's very rural out there.

So I go to the first house that looks, I guess, like they won't shoot me if I walk on their property. I kind of try to use a little bit of common sense. I do see a work truck under the patio. I see a work truck, so I know that somebody is about to -- I feel that somebody is about to go to work.

So I try to be as unthreatening as possible, which is

why I was -- I was cold, that's why I was balled up. It was very cold out there. And I was trying to keep my face warm, so I had my face covered up as much as I could, you know, and I'm breathing inside my shirt to keep my face warm and my ears warm.

And like I said, I just tried to be as -- I know when you see a guy sitting on your back steps, you might just come out shooting. So I'm like I wanted to look as unthreatening as possible and, hopefully, he'll either do one of two things: He'll come out and help me or he'll call the police.

Q So you're sitting on the porch, the police show up. Tell me what happened then.

A Contrary to what they might say or believe, I was very happy to see the police. I was very happy to see the police. At this time, I don't even know my truck is stolen. All I know is that the police are here and they won't leave me here. They'll take me somewhere.

So when they get there, I was -- you know, I was in a state of kind of like just waking up. You know, I'm a little grouchy, grumpy and a little stiff. I'm 38 years old, so I'm not no spring chicken. I'd been through a lot that night. My joints and stuff are a little stiff.

I don't know if you want me to get into the interaction with the police or what. I don't know when to stop.

Q Well, Deputy Ferrell testified that when she got there, you didn't have any shoes on. Why didn't you have any shoes on?

A Because I left -- first of all, I never had on shoes. I never had on shoes. That's a very big important thing that I think should be brought to the attention of everyone in the courtroom. They were not shoes. They were slippers, bedroom slippers, the Dollar General kind that you buy for three dollars. I was getting ready to take a trip. When I was at Dollar General, that's when I put slippers on because I had no intention of getting back out of the truck, really. So I had on slippers.

When I stepped out of my vehicle to use the restroom in my nephew's yard, it was raining. It was raining that day. There's high grass out there. And just to be honest with you, I would never wear my bedroom shoes on the outside, like, ground. I wouldn't do it if it wasn't wet. It's just like one of my things.

So I hopped out the truck in my socks. Just took six steps over to about where the gentleman is and used the restroom. I mean, if I sound a little country for that, I'm sorry, but I don't mind getting out the truck with my socks on. I would rather do that than get out with my bedroom shoes on.

Q The police testified that when they searched the

143

vehicle that they said is your's, there was some illegal drugs in there. When you had your truck, was there any illegal drugs in that truck?

A Illegal?

Q Illegal, yes.

A No, ma'am.

Q That you're not supposed to have?

A No, ma'am.

Q And all your belongings were in the car because you were moving?

A Yes.

Q All right. One more question, couple more, when the police approached you on Mr. Woody's porch, there was -- we really don't know what the conversation was, but you didn't cooperate with the police. Why did you kind of fight with them a little bit?

A I was a bit agitated because I was being treated like a criminal when, at best, I was a victim. I was not -- I thought they were here to help me and they immediately start to accuse me of things. Even if they would have asked me some things, that would have been, you know, a little more becoming, but they immediately started to accuse me of something. And at this time, I have no idea that my truck has even been involved in anything other than my nephew taking it.

Q So the police never questioned you about anything?
A I've had zero questions from Aiken County Sheriff's Department even to this day. They did zero investigation, zero.
Q So they never talked to you?
A Never, ever. They didn't even ask me my name.
MS. HAYES: Mr. Lincoln, at this time, I don't have anymore questions for you. Please answer any questions the State may have.
THE WITNESS: Yes, ma'am.
THE COURT: Cross-examination.
MR. WEEKS: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. WEEKS:
Q Well, your name is what?
A Jonathan Art Neal Lincoln.
Q And it is on your ID that was in your wallet that they took off of you that night, correct?
A Yes, sir.
Q And this happened February the 26th of 2020?
A What happened?
Q This event where they arrested you. February 27th, actually, when they arrested you?
A Yes, sir.
Q And your nephew is still alive?

A Yes, sir, he is.
Q Is his mama still alive?
A Yes, sir, she is.
Q They still live in the same place?
A No, sir.
Q They moved, too?
A Well, her house burnt down.
Q Okay. You still don't want to say that it was your nephew that took your truck?
A I think I already said it is, sir.
Q Yeah, well, you didn't give us his name. Has he got a name?
A Yes, sir, Adonis Baker.
Q Adonis?
A Adonis Lincoln Baker.
Q Adonis Lincoln Baker. And his mother's name?
A Chevron Baker, mother of Kalia Baker.
Q Okay. And are they here today?
A No, sir.
Q Now, the police recovered your car, correct?
A Yes, sir.
Q In fact, you went and picked it up or you got somebody to go pick it up from the tow yard, didn't you?
A Yes, sir.
Q Okay. And that car was registered to you?

A Yes, sir.
Q It was a Durango, light-colored Durango?
A Yes, sir.
Q Four-door?
A Yes, sir.
Q And you said you can't see in the windows, so it was heavily tinted?
A It was. I didn't say that. Officer -- Sergeant Knight said that.
Q Well, you just said on the stand, you can't see in the window. You didn't see who was backing out of the driveway in your car?
A Yeah, I couldn't see. No, sir, I couldn't.
Q And that's because it's very tinted, isn't it?
A I guess, but it was also nighttime, too.
Q And the address you were moving from was [redacted]?
A Yes, sir.
Q And that's on the south side of Aiken?
A No, sir.
Q Where is it at?
A That location which you're speaking of is off of Pine Log Road. I live off of Whiskey Road on [redacted] that is a dead end.
Q Okay.

A Yes, sir.
Q And that's on the south side of Aiken, isn't it?
A It's not -- well, I guess. It's in between New Ellenton and Aiken. I mean, I don't know what they consider that.
Q When you pulled up in your nephew's driveway that night, you had your prescription drugs with you?
A I had the majority of my belongings with me because I was moving.
Q Well, your prescription drugs are your belongings, right?
A Yes, sir.
Q And these marked State's No. 8 and State's No. 7 are your's; is that correct?
A I would like to see them first.
Q That's why I'm handing them to you.
A Okay. These are definitely my pill bottles.
Q And were they in your truck that night that your nephew supposedly stole?
A Yes, sir, I assume they were.
Q You say you assume they were?
A I mean, I'm trusting the word of the officer who said that he retrieved them out of my truck. I had a lot of stuff in there. But I'm going off the fact that the officer said he took my truck, so, yes, sir.

Q Where do you think he would have gotten your prescription pill bottles if it wasn't out of your truck?
A Probably out of my truck. I don't remember putting them there is what I'm saying.
Q How about these scales for measuring drugs, were they in your truck, too?
A I assume they were.
Q Well, did you put them there?
A It's a possibility that I did.
Q Possibility? How about all the baggies? Were you collecting baggies for making your lunch? Were they in your truck?
A Yes, sir. If the officer said they were in my truck, I do not disagree with him.
Q Okay. Is it your shotgun that was in your truck?
A Was that my shotgun in the truck?
Q Was it?
A It was.
Q And I assume when you were preparing to testify and going over with your lawyers, you looked at the shoes that they had or the slippers that they had in evidence?
A (Witness shakes head.)
Q Your lawyers never showed you that?
A Huh-uh, I brought that to their attention.
Q You thought what?

A I brought that to their attention.
Q You brought it to their attention that your shoes should have been -- or your slippers should have been in the truck?
A I brought it to my lawyers' attention that prosecution referred to these slippers as shoes, which was a little more hard to understand why they were not on my feet than would be slippers.
Q Okay.
A Slippers are --
Q So you're kind of adjusting your story to whatever the State had?
A No, the facts showed that they were slippers. I just wanted the jury to understand that I did not have on whole shoes and was not wearing whole shoes. I took off slippers, which is much more common to take off. And as evidenced by your officers that that's what was actually on the ground and in the truck were slippers and not shoes.
Q So you bought the slippers at Dollar General, as I understand it?
A Or Wal-Mart, one of the two.
Q Well, did you put them on in Dollar General?
A I said I put them on while I was at Dollar General.
Q Okay. So I'm assuming you would have took off some shoes to put these slippers on and those shoes should have

been in the truck. But, clearly, your testimony is you had on sock feet the entire night?
A That's not my testimony. My testimony is that I had my slippers on while driving. When I got out at that one point to use the restroom, I slid off my slippers because I did not want to step into the cold, wet grass with those inside shoes on. I used the restroom -- I had no intention of staying unshoed all night.
Q But you did, according to your testimony?
A Yes, sir.
Q After that point?
A Yes, sir.
Q So you got out in the cold, wet grass in your sock feet?
A Yes, sir, I did.
Q Trooper said they found a couple phones in your car. Were they your phones?
A I would assume so.
Q You've had two years to look through all the evidence, Mr. Lincoln. They weren't your phones?
A I was incarcerated for an entire year with no bond. So I've had roughly six months to go through stuff that has been went through by other people who retrieved my truck.
Q Okay. Were your phones left in your car when you got out to take a piss and look at your tablet at the same time?

A Yes, sir.
Q Okay. So those are the phones that you were tracking with your tablet?
A Yes, sir. I was only tracking one phone, though.
Q Only tracking one phone. And, of course, you're out all night long tracking from Shaws Fork and New Holland Road. That's where it pinged?
A No, it pinged to wherever it was, which I now know to be Anderson Road --
Q I'm sorry --
A Or it really didn't ping to Anderson Road, it pinged to the field where the truck was at, but that showed up on the GPS as, basically, nowhere. So I have to reference it to the next closest road or point or something to get you to understand where it was at. Because the truck was in a field and that's where it was pinging from, a field.
Q Didn't you say under direct examination that when you first pinged your phone, it was at Shaws Fork and New Holland Road?
A I think the record will reflect that I did not say that. I said that is where she dropped me off at, was at Shaws Fork and New Holland Road. I said that my phone pinged from New Holland Road. New Holland Road is a very long road. Where she dropped me off was the intersection of Shaws Fork and New Holland. I knew when I got out the car

that my phone was not there, but further down the road on New Holland.

Q I thought you said you looked around and there wasn't anything close?

A That's after I'd walked from Shaws Fork to the point where it said my car was at.

Q And how far was that?

A By way of the crow, I have no idea, sir. I mean, it's nighttime, it's dark. I have no kilometer, I don't know. I can estimate for you, though.

Q Well, to get to where they found you on Mr. Woody's porch, how did you get there?

A I walked.

Q You walked? So you walked down New Holland Road toward New Holland -- you know where New Holland is?

A New Holland is also a place?

Q Town.

A Oh, it's a town. So I didn't know that. I thought it was just a road, but if that's the case, then, yeah.

Q Somehow five or six o'clock in the morning, you found yourself in Mr. Woody's carport?

A Yes, sir.

Q So you would have had to walk down New Holland Road for a long way, get attacked by wild dogs and wild animals --

A I didn't get attacked. I got chased, though.

Q Every police officer that was in this pursuit would have driven past you if you were on New Holland Road. And you didn't try to wave them down? You didn't do anything?
A They traveling pretty fast, so by the time you realize that it's a police officer, they zoom past you. And it's been my experience that officers don't really help you when you in distress on the side of the road. I've been on the side of the road several times and police will pass me by. I will flag them down and they will say I can't put anybody in my car.
Q And how many officers do you think passed you that night while you were walking?
A How many do I remember passing me? I remember police passing me, at least, three times.
Q All right.
A But I'm not walking, like, next to the road. I'm kind of off of the road somewhat, too. I'm not walking right next to people that's doing 70, 80 miles per hour on a two-lane road.
Q Would you agree that your mail was in the glove box of your Durango with your address on it, some mail?
A I would agree that my mail was in the truck.
Q Okay.
A I don't want to be too specific.
Q So these officers aren't lying about that?

A No.
Q Now, the carport that they pull up on you, obviously, not a residence that you have permission to be in. How long did you sit there before the police arrived?
A It seemed like a minute. I dozed in and out of consciousness. I was --
Q You dozed sitting there on those brick steps?
A Yes, sir.
Q And, of course, you saw the truck out there and that's what led you to go to that carport. You didn't knock on the door?
A I did.
Q You knocked on the door of Mr. Woody's house?
A Yeah -- excuse me, yes, sir.
Q Okay.
A I might have even rung the doorbell. I was really trying to get his attention. I was not there to do anything, any harm or anything to anybody.
Q And you're wet, you're soaking wet?
A Yes. I mean, not soaking, but, yeah. It's cold, so it feels -- I feel pretty wet. The bottom of my pants were, like, really wet. And those holes, those jeans are designed like that. Maybe they was stretched a little bit more, but they originally were bought with holes and patches in them.
Q And no question, when they were wrestling with you, at

some point, they got the handcuffs on you; is that right?
A Yes, sir.
Q And even when you walked to the car, they escorted you to the car that they took you to the jail in, you still resisted, didn't you? Kicking your feet out?
A No.
Q In fact, you told them to tase you again, didn't you?
A It's possible I could have said that. I mean, at this time, I've been pretty much beaten up by the police. I'm pretty sure that y'all seen that. I was attacked by the police, beaten up. Their cams were -- their body cams were intentionally turned away from that so that you wouldn't see it.

They're telling me to put my arms behind my back. When Deputy Czekaj admitted on the stand that my arms were up under my stomach with my entire weight on my arms, but you're telling me to put my arm behind my back. How is that even possible if you have your knee in my back putting your weight, plus my weight on top of my hands saying give me your arm, give me your hand.

And I'm saying if these videos would actually have the audio that they actually had before, I guess, somebody took it out, you can hear me saying, I'm not resisting. I'm not resisting. How can I give you my arm if it's up under my body.

Q All right.
A It's all on the audio.
Q When they first came up to you and you're sitting there all huddled in your shirt, they asked you to show your hands. And you did this little thing there across the top of the shirt?
A Yeah. Sir, if you'll allow me to explain that. What happened was, when he asked me to show him my hands, I stuck my hand through the neck of my shirt. What I was doing was attempting to pull my arm back in and stick it through the arm of my shirt and that's when he grabbed me. If you watch the video very closely, that's what I did. I said -- and then I was like hold on, and he started to grab me and throw me on the ground. I was complying. I never ever did not comply with the police officer. I had no reason not to.
Q All you had to do was stand up, but you didn't do that?
A He didn't tell me to stand up. If I would have stood up, he might would have hit me.
Q And there's no question you continued to resist, even when you got to the car?
A Even though it's not illegal to resist an unlawful arrest, I did not resist. Even though I could have, I did not.
Q You didn't resist?
A By law, I could have, but I did not. I'm sorry, I did

not. I wanted them to help me.

Q And from Shaws Fork to where you ended up on Anderson Road, there weren't any houses that belonged to all these wild dogs that you could have walked up to and asked for assistance?

A At this point, I feel like I had been assisted enough. I had already found where I believed my vehicle to be. I'm on the way to it. I know none of these people. I think that I can only risk being shot or worse by walking up to these people's house this time of night.

Now, if I can show this person, hey, look, I pinged my car to your yard and that's why I'm in your yard, that would be different. But to walk up to somebody's house at this time in the morning in this part of the county is very dangerous for a black man, I'm sorry.

Q When you were at Waffle House, whatever the motel is there, Hardee's, Burger King, Bojangles, all those places up and down the road, Dollar General, you didn't try to call the police to tell them that somebody stole your car?

A As I stated, I had no intention of calling the police on my nephew.

Q But you didn't know it was your nephew?

A I did not know it, but I had a very good feeling that it was and it turned out to be him. So my hunch was right. And I'm actually -- well, in light of this, I'm not going to

say I'm glad I didn't call the police. I'm not going to say that.

Q In light of what?

A In light of all this, what I've suffered for not calling the police on my nephew. But it would take something like this right here to make me change my mind about calling the police on my nephew when he's just trying to play a prank on me.

Q On New Holland Road?

A What about New Holland?

Q He's trying to play a prank on you by driving your car to New Holland Road?

A Oh, I think that was -- I think that point has been left out. There was probably no time between the taking of my car and the pursuit by the police for me to call the police.

After reading the motion of discovery, he was blue lighted on I-20, right? So from Piper Lane to the point where he was blue lighted on I-20 by car is roughly two to three minutes. He went off Piper Lane, jumped right on the highway, was immediately blue lighted by Mr. Knight and the chase ensued from this point. I know this now from reading the testimony of the officers and stuff.

Q But your testimony is that a whole group of police officers passed you when you were walking on New Holland

Road in your sock feet?

A A whole group would mean that they would have been riding together, right? So no, they passed me at different times. Not a whole group of police cars, no, sir.

Q One after another?

A One, then maybe three or four minutes later, another one and ten minutes later, another one. I mean, I was walking on the road for a long time, so I can't -- but I know for a fact that I didn't see more than two of them riding together at a time, so I wouldn't call it a group.

Q And you don't dispute that you're the same Jonathan Lincoln who was convicted in 2011 for giving false information to the police?

A That was me, sir.

Q That was you?

A I do not dispute that.

I don't lie, Your Honor, when -- I mean, when I'm guilty, I say I'm guilty. When I'm not guilty, I will come this far with it. I'm sorry, I just -- I think that justice should serve everybody. It's served against me in the past. I feel like and hope today that it serves me in the positive.

MR. WEEKS: No further questions, Your Honor.

THE COURT: Any redirect, Ms. Hayes?

MS. HAYES: No, Your Honor.

160

THE COURT: Thank you, sir. You may step down.

Call your next witness.

MS. HAYES: Your Honor, at this time, the Defense rest.

THE COURT: All right. Ladies and gentlemen, the Defense has now rested its case. There's some matters of law I need to discuss with the attorneys outside of your presence. Please return to the jury room. Don't discuss the case amongst yourselves. I'll bring you back shortly.

(WHEREUPON, the jury exits the courtroom at 10:52 a.m.)

THE COURT: Any motions?

MR. THOMPSON: Your Honor, at this time, the Defense would specifically renew the motion for directed verdict on the resisting arrest charge.

The argument of the State is somewhat circular. If you ask okay, well, how did he resist arrest? He resisted arrest by failing to get into the police car and not cooperate when he was being told to get in the police car. What was he under arrest for at that point in time? And the answer is he's under arrest for disorderly conduct. What was the disorderly conduct? And the answer is the disorderly conduct was his failure to cooperate with the police officers when they wanted to detain him.

Actually, the law for disorderly conduct under section 16-17-530, the only way you can get arrested for disorderly conduct is either being grossly intoxicated in public, which

there's no allegation he was grossly intoxicated; discharging a gun or pistol or fireman, there's no allegations he was discharging a firearm; using obscene, profane language, there's no allegations he was using profane language.

The only other ground for arresting him for disorderly conduct is conducting himself in a disorderly and boisterous manner. The only conduct that was disorder and boisterous is his alleged refusal to cooperate with them when they want to detain him, which is a circular argument. We're going to arrest you for not wanting to be arrested.

There is no such law as resisting detainment. That's not a thing. Normally, when you resist detainment, there's other issues and factors and they end up arresting you because they have probable cause to arrest you for other things. But there's no such thing as resisting detainment. What he's doing is resisting detainment. The police characterize his resisting of being detained as disorderly conduct and, therefore, they get to arrest him for disorderly conduct, which, Your Honor, I submit is a circular argument that should not be allowed. And at this point in time, we would move for directed verdict on the resisting arrest charge.

I do have one other motion, but I'll sit down on this one.

162

THE COURT: I'll hear from the State.

MR. WEEKS: Your Honor, we made the argument at the close of the State's case, viewing it in the light most favorable to the moving party as always that the officer testified that when they got out to the car, he continued to resist his arrest for disorderly conduct.

Now, I understand his argument that he was not being disorderly. I beg to differ based on the facts and the testimony of the officer that he was resisting their arrest.

MR. THOMPSON: And, Your Honor, my argument is not based on any kind of disagreement about the facts. I would move, though, that as a matter of law that he's not -- the actions that he -- everything alleged is true. The actions that he does as a matter of law are not disorderly conduct and, therefore, he can't be arrested for resisting arrest because he's being arrested for something that's not a crime.

THE COURT: Right, if the only disorderly conduct -- if the only conduct he was disorderly was the effort to resist being detained, that is not disorderly conduct, therefore, no lawful arrest. So at the police car, he can't be resisting arrest because no lawful arrest has been made.

MR. THOMPSON: Yes. That is our argument, yes, ma'am.

THE COURT: And I agree with you. Motion granted.

MR. THOMPSON: Additionally, at this time, we would

make a general motion for directed verdict based under Rule 19.

THE COURT: That is respectfully denied.

MR. THOMPSON: Thank you, Your Honor.

THE COURT: Okay. Now, let's discuss jury instructions.

MR. THOMPSON: Your Honor, frankly, I think the proposed jury instruction, since Your Honor has ruled on directed verdict is -- frankly, I believe that is not necessary.

THE COURT: Absolutely.

So presumption of innocence, reasonable doubt, direct and circumstantial evidence, credibility of witnesses, expert witnesses, identification of the Defendant as the person who committed the crimes charged.

Any objection to that?

MR. WEEKS: I'm not sure what your's says.

THE COURT: I've modified it and it's relatively short, so I'll read it. An issue in this case is the identification of the Defendant as the person who committed the crimes charged. The State has the burden of proving identity beyond a reasonable doubt. You must be satisfied beyond a reasonable doubt of the accuracy of the identification of the Defendant before you may convict the Defendant.

164

Once again, I instruct you the burden of proof is on the State of every element of the crime charged and this succinctly includes the burden of proving beyond a reasonable doubt the identity of the Defendant as the person who committed the crime. If after examining the testimony, you have a reasonable doubt as to the accuracy of the identification, you must find the Defendant not guilty.

That may could use some work.

MR. WEEKS: It's a little long.

THE COURT: It's a little repetitive. I've been working on it while listening to testimony.

MR. WEEKS: Also, your charge on reasonable doubt, do you charge also firmly convinced?

THE COURT: Yes.

MR. WEEKS: I know I interrupted you when you got to the ID. So you were going down the list of your charges.

THE COURT: Then criminal intent, followed by prior record of the Defendant, which may only be considered in determining whether the Defendant's testimony is believable and for no other purpose.

Then I get into elements of the crimes, possession with intent to distribute, which I combined since there were two charges of PWID. That is charged with possession with intent to distribute cocaine and possession with intent to distribute heroin, the elements of those, the inference,

weights. I have our possession of ten or more grains or -- I'm sorry, or 0.65 grams of cocaine.

MR. WEEKS: I believe it's a gram, Your Honor.

THE COURT: Is it? 10 grains or one gram?

MR. WEEKS: No, I think it's a gram.

THE COURT: So it's not a grain. I'm sorry, yes.

MR. WEEKS: On cocaine, I think it's still a gram.

THE COURT: I think you are correct. Possession of one or more grams of cocaine. And then heroin, I may have old information, two or more grains?

MR. WEEKS: Yes, ma'am.

THE COURT: Or 0.13 grams I think is the calculation of heroin. And then I have trafficking --

MR. WEEKS: 28 to 99 -- to 100.

THE COURT: 28 to 100. Okay. And that's it?

MR. WEEKS: More than 10 grains -- more than 28 grams, I'm sorry, for that trafficking statute.

THE COURT: Right, 10 to 28. But it's more than --

MR. WEEKS: 28 to 100.

THE COURT: That's right. I don't know why I said that because I'm looking at the 28 to 100. So right, more than 28 grams.

Yes.

MR. THOMPSON: Your Honor, I agree with the Solicitor on that and I don't want to weigh into the math on this. I

166

do have one completely separate item just for the expedient progress of the trial. I'm fairly certain that Mr. Weeks is not planning on mentioning this in close, but we would object to any argument in close of where are the nephew or the aunt or whoever as burden shifting. It would probably end up in a mistrial. I'm certain they're probably not going to do that. I just wanted to kind of bring that to the Court's attention.

THE COURT: Mr. Weeks?

MR. WEEKS: I'm not going to be doing close, but he testified as to, basically -- I don't know what you would call it, an alibi or somebody else did it kind of defense. I think it's proper, we should be able to talk about where his auntie --

THE COURT: I think it's clearly burden shifting.

MR. WEEKS: He shifted it. He opened the door.

THE COURT: To fingering his nephew, but, I mean, if it were an armed robbery, you know, generally, the defense is not that no robbery occurred, it's that it wasn't me, generally. Maybe they don't have the name of the person who they know did it, but no, I think it's not proper.

All right. Anything else before we close this one out?

MR. WEEKS: I don't know there's anything particular about the failure to stop charge.

THE COURT: I completely forgot, that's what happened.

No, I will charge that of course. Yeah, there's nothing special about it.

MR. WEEKS: Thank you, Your Honor.

THE COURT: Thank you for mentioning it.

All right, we're going to take --

Yes, ma'am.

MS. HAMMACK: I'm going to let you talk first.

THE COURT: No, go ahead. We're about to break, go ahead.

MS. HAMMACK: I was just going to ask because the State does plan on using some of the demonstrative evidence for closing if we could have a few minutes.

THE COURT: Yeah, we'll take about 20 minutes.

(WHEREUPON, a short recess was taken.)

THE COURT: State ready?

MS. HAMMACK: We are, Your Honor.

THE COURT: Defense?

Oh, sorry.

MS. HAMMACK: I just wanted to make sure we're all on the same page under State V. Beattie since the Defense did introduce evidence in this case, the State is reserving right to rebut following Defense closing.

MS. HAYES: We have no objection, Your Honor.

THE COURT: Wonderful.

All right. Let's bring the jury in.

168

Let me just quickly put on the record. I did provide both sides copies of the jury instructions.

Any objection from the State?

MS. HAMMACK: No, Your Honor. But I do have one other thing I just thought about.

THE COURT: Okay.

Let's pause on the jury. Can you close the door?

MS. HAMMACK: Sorry.

THE COURT: Was there any objection from the Defense?

MS. HAYES: No, Your Honor.

MS. HAMMACK: I don't think we've ever selected a Foreperson.

THE COURT: We didn't, and I'm going to. I mean, I haven't yet, but while y'all were talking, I picked it out.

MS. HAMMACK: Perfect. I just thought about it.

THE COURT: Thank you.

Bring in the jury.

(WHEREUPON, the jury enters the courtroom at 11:54 a.m.)

THE COURT: Welcome back, folks. It's getting on to lunchtime, but we have ordered lunch for you. It will be here shortly.

In the meantime, all that remains for this trial is the closing arguments of the attorneys and my charge to you on the law that applies to this case. You will then retire to

deliberate until you reach a verdict.

So I know there was a question about cell phones. Unless there is an urgent matter, I have not intended to allow you access to your cell phones. Typically, I would over lunchtime, but because we've ordered lunch in and I think the lunch will be here by the time we get done in the courtroom, what I would like is for you to eat lunch and deliberate. So, of course, you cannot have your cell phones during deliberations. I wasn't going to make a separation there.

If there is an urgent matter, a childcare matter or something along those lines and you absolutely need to have your cell phone, if you would raise your hand at this time.

(No hands raised.)

THE COURT: Perfect.

So in that case, I'm going to ask you to give the attorneys your undivided attention for their closing arguments.

Yes, ma'am.

MS. HAMMACK: Thank you, Your Honor.

CLOSING ARGUMENT BY THE STATE

MS. HAMMACK: It's been a long week, y'all. Friday is here. I thank y'all for staying here. We have to be here anyway, but I know it's been a long week and I appreciate your patience. This is my chance I get to talk to y'all

170

about what has occurred this week and then you will get a chance to make a decision on your own.

Over the course of this trial, yesterday and today, the facts have gotten a little bit easier for you because there's not a whole lot that anybody disagrees about. In fact, most of what happened the night of February 26th going into the morning of February 27th, 2020, is undisputed.

So let's talk first about things we can all agree on so then we can focus on just the little decisions that you have to make. There is no question and you don't have to debate whether on the evening of February 26th, 2020, that officers with the Aiken County Sheriff's Office attempted to perform a traffic stop on a white Dodge Durango traveling on I-20. Nobody is saying that didn't happen.

We know that that night, Sergeant Knight started a traffic stop on I-20 when a Durango drove by him with the windows so tinted that his lights wouldn't go through that tint and he couldn't even see the silhouette of somebody driving that vehicle. He told you what the legal tint law is here in South Carolina.

We know that Sergeant Knight pulled out behind that Durango, put on his blue lights. And when the Durango didn't stop, he put on his sirens. Y'all watched more videos than y'all probably wanted to watch of lights and sirens and taillights in the dark for 20 minutes of video,

at least.

We know from those videos and from the testimony that that traffic stop went from mile marker 25, here we have US 1, which is Exit 22, going towards Columbia. The very next exit is the Wire Road exit, Exhibit 29. We know that the Durango turned off of the highway and started coming down Wire Road, all the way back to town, past the jail, past the animal shelter, right there at the elementary school almost back to the bypass where it turned left on New Bridge Road.

We know from the video that Sergeant Knight was behind that Dodge Durango with lights and sirens. We know that Highway Patrol was behind that Dodge Durango. We actually see on those videos when the officers passed Highway Patrol to take charge of the pursuit. We know Sergeant Palmer was behind that vehicle with lights and sirens. Y'all had to watch his video, too.

As the video is going, you hear the officers talking to dispatch and you heard them testify 80 miles an hour, 90 miles an hour, 85 miles an hour, 70 miles an hour going back away from town on New Bridge Road, passing neighborhoods, mailboxes. I couldn't count how many mailboxes we passed watching this video. To where it dead-ended on New Holland Road, still lights and sirens, still the vehicle was not stopping, going twice the speed limit on these roads. The vehicle turned away from town back north onto New Holland,

172

all the way to a field off of New Holland Road.

Sergeant Knight and Sergeant Palmer both testified that this car chase was almost 31 miles. We went all the from the highway back to town and back all the way out to where this vehicle stopped. And it didn't stop, it didn't stop on the side of the road. This vehicle pulled into a field. Law enforcement was behind it. Half of them got stuck. And then the driver of that vehicle did what law enforcement called bush bond. He took off and ran. That is not in question. Nobody is saying that didn't happen.

Now, when we go to the next picture, the other thing that we know is that that vehicle was left in this field. The driver's door was open. No other doors were open. Officers stated that the vehicle stayed in their sight the entire time they were pursuing it. And they stated when that vehicle stopped in the field, nobody got out of the passenger side, nobody got out of the back. The only door that was open was that driver's door. And there was so much stuff in that Durango, nobody else could have fit in it.

We know that law enforcement searched up and down the road, searched these fields, got the tracking dogs out there. They searched half the night looking for the person that ran from this car, that ran from police.

And what we also know that's undisputed, that nobody is arguing about, just a few hours later, at [redacted] Anderson Road,

right here, just on the other side of the woods from that car was the Defendant, Jonathan Lincoln.

What else do we know that's not in argument, that nobody is disputing, that you can accept as fact? We know that that white Dodge Durango that was running from the police at speeds up to 90 miles an hour past people's houses for 31 miles, we know that that Dodge Durango is his. The DMV said it was. He said it was. The tag is registered to him. The vehicle is registered to him.

We also know as fact that his mail was in that car with his name and address. His prescription bottles, he looked at them, said yep, these are definitely mine. Jonathan Lincoln, [redacted], were in that Durango. His phone was in that Durango. Those were his tinted windows. His slippers. Law enforcement said they found a shoe that somebody had come out of when they ran out of that car. He said, yeah, I was wearing slippers. His shotgun was in the back of that Durango. His baggies. You can't really put a sandwich in this, they're little baggies, found in his car.

And, importantly, in that bag in the front passenger seat, is scales. He answered Solicitor Weeks on cross-examination, Yeah, it's possible I left my scales in my truck. These don't measure out hamburger meat or chicken.

What's also undisputed that you can take as fact is

174

that the Defendant was found just on the other side of the woods from his car the night that his car ran from the police, it was raining. You saw it on video. He said it was raining. And we know as fact that he was wet and he was dirty. And he didn't have any shoes on.

And the last thing that we know, that we don't have to question, that everyone in here agrees on is that in the Defendant's own car off of New Holland, the same time he's found off of New Holland, there's a bag and in that bag is full of drugs. 1.56 grams of powder cocaine, 22.99 grains of heroin and 49.1 grams of methamphetamine.

Members of the jury, that makes your job a lot easier. You won't have to argue about that stuff. All of that we know is true. So the only question before you guys is was the Defendant driving his own car when he ran from the police? Was the Defendant, the owner, in possession of these drugs in his car that night? So we've narrowed this down for one question for you.

Now, let's talk about what we know about who could have been the driver of that car and who could have had possession of those drugs. I don't want to spend a whole bunch of time talking about it, but I do think it's interesting what the Defendant told you.

The Defendant wants you to believe all that stuff is true about the drugs in the car and all that, but I wasn't

driving my car because my nephew took it on a joy ride across the county. And everything in that car was mine, except for the illegal stuff. All the other stuff is okay, yeah, I'll claim that, but I'm not going to claim that because it's against the law.

The Defendant wanted you to believe that the reason he didn't have any shoes on is not because he ran out of his slippers running from the police and that's why there's one laying right by the car when the police stopped, that's not why his slipper is right there. His slipper is there because he got out to go pee in the grass and he took his slippers off because they're inside shoes and he didn't want to get them wet. He said it was high grass and it was raining and he had socks on.

So he's okay with getting his socks wet and dirty and then put those wet and dirty socks back in his indoor shoes. That's okay, but he doesn't want to get his shoes wet. He's got his other shoes that he took off to put those slippers on. But he's not going to put those shoes on to step out away from his car to go to the bathroom outside. He's going to get out in the rain in his sock feet. That's what he wants you to believe. That's the silliest thing I've ever heard.

He wants you to believe that his nephew took his truck just for fun, just a joke and didn't bring it back. And his

176

phone is in the car. So he's got to figure out where his truck is and he's got to find his phone, so he's going to get some WiFi to track his phone. So he walks from Piper Lane back under the I to where -- there's all kind of businesses. We've got gas stations, we've got a McDonald's, we've got a Bojangles across the street, there's a hotel. There's all these places -- the Waffle House. There's all these places to stop.

So he goes to these places and he doesn't call the police because he doesn't want to get his nephew in trouble. Why didn't he just call his own phone? Hey, nephew, this isn't funny anymore. Just call me and come back and get me. Walk to a landline, you don't need WiFi to use a landline, just call him. The hotel, why couldn't he just walk in the hotel and pick up the phone and say hey, nephew, bring my truck back? This isn't cool. But he doesn't do that. He goes and gets just close enough to hook up to WiFi until a good samaritan arrives. He doesn't know this woman from Adam's house cat, but she's willing to stop and let him use her WiFi. Not her phone.

Again, even if he doesn't want to call the police, he could have called his own phone that his nephew has. He could have called his nephew's mom. He could have called a friend. He could have called anybody for a ride, but he says no, no, I just want to use your WiFi, that's all.

But, also, as long as I'm not being too big of a burden, can you drive me to New Holland from US 1? I don't know you from Adam's house cat and it's dark and raining, but rather than just letting me make a phone call, why don't you drive me across the county to the country? And he found the world's best good samaritan in Aiken County to drive a stranger in the dark to New Holland?

The Defendant wants you to believe that when he was out -- she dropped him off at Shaws Fork and New Holland, still a long way from where he ended up. He wants you to believe that he saw all these police cars going up and down the road. And he said, quote, sitting in that chair, he said to you, They should have seen me.

The police have chased somebody for 31 miles in the Defendant's car. They have a tracking dog. They are walking in the rain on foot and driving up and down the road looking for the person that ran from the police. You think they wouldn't have stopped if they saw him? They should have seen me. And even though the police are looking for somebody, they don't stop when there's somebody on the side of the road.

The Defendant said he hoped the homeowner would help or call the police when he got to the house. He said he knocked on the door, rang the doorbell. And y'all got to hear from Colt Woody that lived at that house. He said I

178

was in bed and I heard the sirens. I woke up and I turned the lights on for safety. My wife called the neighbor. We made sure we were all locked up and we went back to bed. But he's not going to hear a knocking on the door or a ringing of the doorbell? Colt Woody don't know anybody involved in this case. He doesn't have any reason to come in here and lie to you. If his doorbell had been rung or somebody knocked on his door, he would have told you. But that's not what happened.

So the Defendant talked all about using his tablet to turn on his music and control his music. And that's what he was using to try to locate his phone. Well, y'all saw the video when law enforcement found him at Anderson Road, where was his tablet? If he was walking all over creation pinging his phone, where was his tablet?

You see, there's a lot of problems with the Defendant's story about why it wasn't him driving that car and why these weren't his drugs. So let's talk about some of the things that we know that tells us that it was the Defendant driving that car running from the police and that he was running from the police because he knew exactly what was in his car.

We've already said it's undisputed, it's his car. His stuff is in the car. The prescription bottles with his name on them are in the car. The paperwork in the glovebox is his. Those shoes found by the car -- and Sergeant Knight

says there's footprints to the wood line that aren't shoe prints. They're footprints.

It's amazing the story he had to come up with to explain why he was so close to his car on the opposite side of the county from where he lives, somewhere he's got no reason to be from just before midnight to six o'clock in the morning from February 26th to February 27th, 2020. He told you he lives between Aiken and New Ellenton. And yet, both his car and him are off of New Holland Road, but it's not because he rode in that car to get there.

The Defendant was the only person in that car. Only one person could have been in that car. Only one person ran out of that car and from the police. They said the Durango was in sight at all times and no one got out of the passenger. That only on the driver's side where the shoes were did somebody get out.

As a result of this incident, the Defendant was charged with failing to stop for a blue light and sirens and was charged with drugs in his car. And after I talk and the Defense talks, the Judge is going to explain to you what the law is for these crimes, and the law that you have to follow and apply. But I want to give you a little bit of a heads up about what you're going to hear.

The crime of failing to stop for a blue light and sirens is kind of just what it sounds like. When law

180

enforcement attempts a traffic stop and they let you know by turning on their blue lights and by turning on those sirens, the law says you have to stop in a reasonable amount time in a reasonable place. You don't have to immediately hit the brakes and cut the car off right then, but you've got to pull over and you've got to stop. That's the signal for stopping. And it's got to be where a reasonable person could see those blue lights and to hear those sirens.

This was not a car chase where a car drives by and the police are on a side street and they pop their lights and, you know, they have a split second to maybe see them or not. This is 31 miles. This is the car speeding up, slowing down, turning onto different roads, driving in the middle of the road. When the police car attempts to get closer, he pulled into the middle of a two-lane road and straddled that center line.

The actions of the vehicle and the actions of the driver shows he knew the police were behind him. They were behind him for 20 minutes. They took turns. This is not a mistake. This is someone who was running from the police. That's failure to stop for a blue light and sirens.

Now, the Defendant is also charged with three different drug crimes. He's charged with possession with intent to distribute cocaine and possession with intent to distribute heroin. We'll talk about the methamphetamine in a minute.

In South Carolina, there's kind of three levels with drug cases. There's possessing drugs, there's possession with intent to distribute and there's trafficking.

Possession with intent to distribute is, essentially, what it sounds like. You don't have these drugs just for you. They're for someone else. They're for multiple people. And several different things that you get to consider in determining whether someone has drugs with the intent of distributing them.

One of those things in South Carolina is called an inference weight. The Judge is going to talk to you about that. But there comes a point where when you have so much of a certain drug, the law says that's more than most people would have just for themselves. Like, just the amount itself, you're sharing that with someone. And so the inference weight in South Carolina for cocaine is one gram. And what that means is when someone has more than one gram of cocaine, you can infer based on the weight that they were going to sell it.

With heroin, same situation. There's an inference weight and it's two grains. So if someone has more -- not grams, grains. Because, of course, we had to complicate things and use two different measurements. But for heroin, it's two grains. And if someone has more than two grains of heroin, you can assume that they had it with the intent to

182

sell it, not just to use it themselves.

In this case, members of the jury, the amount of cocaine in that man's car was 1.56 grams. So about 150 percent of what that inference weight is. Now, for the heroin, it was 22.99 grains of heroin in the Defendant's car. The inference weight is two grains. He had ten times the possession amount of heroin. Not just a little bit more, but ten times the weight where it says that's a distribution.

And then for the methamphetamine. The Defendant is charged with trafficking methamphetamine. I told you there's three different levels. There's possession, there's possession with intent to distribute and then there's trafficking. And trafficking is not what a lot of people probably picture. We're not talking about some crazy Walter White, Breaking Bad, making stuff in your kitchen and, you know, having a distribution center and selling it.

Trafficking in South Carolina, much like possession with intent to distribute is based on weight. So just possessing enough of a drug makes you guilty of trafficking. You don't have to be caught giving it to a dealer who is then going to deal it to somebody else. Again, the law says when you've got that much, that's not just enough for you to be selling, that's trafficking.

In South Carolina, what you're going to hear is that

the Defendant is charged with trafficking 28 to 100 grams of methamphetamine. But the inference weight is ten grams. Once somebody has ten grams or more of methamphetamine, you can infer, you can assume that that's for trafficking. There was 49.1 grams of methamphetamine in the Defendant's passenger seat of his Durango. That's five times the inference weight for trafficking.

When I think about trafficking versus what we call PWID, possession with intent to distribute, or possession, I have to think about food. And I know it's the perfect time to think about food. I think about food all the time. It's my favorite thing. But when you're talking about somebody with possession weight drugs, that's like going to the grocery store and buying dinner for yourself. You're not sharing it. You're going to eat it.

Possession with intent to distribute is like going to Sam's or Costco. You're not going to buy one pound of chicken or a single steak or a single baked potato for you to eat at Sam's or Costco. You're going to be buying the ten-pound bag of potatoes or you're going to be buying the whole beef loin or you're going to be buying a whole chicken cut up because you're going to be feeding other people. You're feeding a family if you go into Sam's or Costco. That's like possession with intent to distribute.

And in trafficking, it's like Cisco or U.S. Foods.

184

They've got that 18-wheeler coming. They're the ones that supply the grocery stores. They supply the Costco and the Sam's. They have so much more food that it's not just to sell to straight people, it's to give to the people that sell to the people. In the same way, the weight of drugs in South Carolina distinguishes possession, possession with intent to distribute and trafficking.

And that's what we have in this case. The weight of these drugs for the cocaine is 150 percent more than the inference weight. The heroin is ten times the possession weight. And the methamphetamine is five times the possession of intent to distribute weight. It's five times into that trafficking weight.

But when you're thinking about possession with intent to distribute or trafficking, you don't have to just consider weight. You can consider how the drugs were packaged and you can consider what else was with them.

In this case, these drugs were found in a bookbag in the Defendant's car in the passenger seat. But that bookbag didn't just have drugs in it. That bookbag had these scales that are commonly used to weigh drugs, to weigh drugs, to measure out how much you're going to sell. You don't want to give somebody too much and get short-changed. That's not good business. Because someone that's distributing drugs makes sure that they measure it out exactly so they can

maximize their money. It's like somebody selling food or selling any other item.

And the other thing that was in that bag with those scales with these drugs is -- I think Solicitor Weeks held it up during the trial, was a bunch of Ziploc sandwich bags. But more importantly, were these. You're not going to put a serving size of any food in these. But what you are going to do after you measure out your cocaine or your heroin or your methamphetamine that's in your stock, in your inventory, you're going to measure it out on that scale and you're going to put it in this little bitty bag to sell to people.

And so all of those things go into your determination that these aren't drugs just to hold onto or to use by yourself. These are drugs for distribution. And the methamphetamine so much that it's drugs for trafficking.

When you came here on Monday and then on Wednesday and then on Thursday and now today, you had to go through the metal detectors. You had to take your belt off, your watch. I don't know if they make you take your shoes off, I can't remember. It's been a while. But anything that could set off that metal detector, you had to take off. If you have any pocketknives or scissors in your purse, you've got to leave those in your car. But what you don't have to leave is your common sense and your life experiences. You don't

186

have to look at this stuff in a bubble. You get to use what you know about life and your common sense to determine what makes sense and what doesn't, what's reasonable and what's not.

The State's burden is to prove guilt beyond a reasonable doubt. And that's exactly what it sounds like, what's reasonable and what doesn't make any sense at all. The Defendant wants you to believe that somebody else just happened to take his car across town to New Holland, somebody else ran from the police in his car and then jumped out of his car and fled. Which is funny, I guess his cousin walked all the way back to Piper Lane on foot and didn't get caught. Because if his cousin drove his car and ran from the police and jumped out, then he's on foot, too. That's a really long walk, a lot longer than what the Defendant said he did.

But the Defendant wants you to believe that somebody else took his car, bailed out of it, left his shoes there with all his stuff in the car, but just happened to leave boo-coos, hundreds and hundreds of dollars worth of drugs in that car and just abandoned them.

And he wants you to believe that he's walking around in his sock feet so he don't get his shoes wet and he just happens to find a stranger to drive him into the country. And he just happens to stop at this house right near where

his car was abandoned. And all of this is circumstance. Everything else in the car is his, but not this. These scales are his that he left in his truck, that were found in the same bag as his drugs. So the scales are his, but the drugs aren't?

The Defendant doesn't want you to believe that he was in his car, driving that night, running from the police because he didn't want to get caught with these illegal drugs.

MR. THOMPSON: Your Honor, we have an objection and a matter of law that needs to be taken up outside the presence of the jury.

THE COURT: Ladies and gentlemen, please return to your jury room. Don't discuss the case amongst yourselves. I'll bring you out shortly.

(WHEREUPON, the jury exits the courtroom at 12:34 p.m.)

THE COURT: Yes, sir.

MR. THOMPSON: I apologize. I hesitate to interrupt anyone's closing argument. While there is absolutely testimony in this case that Mr. Lincoln was presented with the scales and was told -- and was asked if the scales were his and I believe he said yes, he tells me that his scales were packed in the back of the truck. I don't believe that there was any testimony in this trial that the scales that are in this -- that are in evidence in this case were

188

actually found on the passenger seat of this car.

I would argue it's a critical piece of evidence in this case -- I would agree with the State that it's a critical piece of evidence in this case if the scales that he claims are actually right there with the drugs, that would be a -- that would be very damning testimony, but I don't believe that that testimony was -- was in the evidence and testimony of this case. I don't believe any of the officers actually said that. If that's true, I believe that the State would be arguing facts that are not in evidence and we would move for a mistrial in this case.

THE COURT: Yes, ma'am.

MS. HAMMACK: Your Honor, it's my recollection that when Sergeant Knight was testifying about where he found the various items in the vehicle, he stated that there was mail in the glovebox and that there was a bag in the passenger seat that contained both the scales and the drugs. I think he said the prescription bottles were in the glovebox. But my recollection was that he stated the scales were in the bag with the drugs with the baggies.

Your Honor knows your jury charges and you know that you will tell the jury that our arguments are not evidence and they must rely on their own recollection of the testimony.

The Defendant did not testify as to the location of his

scales, but he did admit that they were his. Mr. Weeks asked him a two-part question. A, are these your scales; and B, were they in your truck? He said, Yes, they are my scales and it's possible they could have been in my truck.

But my recollection of the testimony is that Sergeant Knight said specifically that those scales and the baggies were found in the bookbag in the passenger seat with the drugs. But I think Your Honor's instruction will cure any -- you know, obviously, they can argue otherwise, but Your Honor's instructions to the jury will be that the jury has to rely on their own recollection of the testimony.

THE COURT: Yes, sir.

MR. THOMPSON: And, Your Honor, I would just ask that we -- this would be an easy thing to resolve if the court reporter can look back at the testimony.

But I would argue that unless the officer testified that the scales were found on the passenger seat with the drugs -- because the argument was that they were actually in a bag with the drugs. Unless there's testimony to that effect, then the argument that the scales were physically right there with the drugs, I would tell you that as a juror, I don't know that I would be able to overcome anything like that. I don't think there's any jury instruction to fix that. And I would ask for a mistrial.

But, again, I hesitate to interrupt people during their

190

closing arguments, but I would ask that the court reporter actually look back into the record of this case and be able to tell us whether or not the officer actually testified that these scales were on the seat with the drugs.

MS. HAMMACK: And, Your Honor, I think we're both entitled to argument to tell the jury what we believe has been presented, but I think we are starting to invade the jury's job of making the determination of fact in this case by telling them what they should or should not accept as fact. It's their job to determine the credibility of the witnesses and to rely on what they've heard. And I think by going into that, we are crossing the line into the jury's job. I think Mr. Thompson is certainly entitled to argument and I think Your Honor will charge the jury appropriately. But I think this is going too far.

MR. THOMPSON: Your Honor, we're -- essentially, what we're doing is we're kind of heading off at the pass the question that the jury would have to ask when they are in the jury room. They will have to send us out the question of did the officer say this. We'll be stuck playing the testimony for them in the courtroom after the trial of the case. I would just like to ask that we go ahead and just address this issue at this point in time.

THE COURT: Let's go off the record briefly.

(WHEREUPON, a short recess was taken.)

THE COURT: Bring the jury in, please.

(WHEREUPON, the jury enters the courtroom at 1:06 p.m.)

THE COURT: All right.

Ms. Hammack, you may continue.

MS. HAMMACK: Thank you, Your Honor.

Y'all have listened to me talk a long time. I know y'all are tired and I'm not going to keep you a whole lot longer. There's just two more things I want to cover real fast and then I promise I'm going to sit down.

I talked to you about what's not a question. And what's not a question is that there was a failure to stop for a blue light in the Defendant's car and there were drugs in the Defendant's car. And they are possession with intent distribute weight and possession with intent to distribute accessories, trafficking weight and trafficking accessories.

One thing the Judge is going to tell you about these drugs is about what possession is. It's not necessarily -- you don't have to register your drugs and make sure you've got a little card that says they're yours. It's just do you have them or not. And there's two types of possession. There's actual possession and constructive possession.

Actual possession is me walking around with my coffee cup in my hand. I've physically got ahold of it. Now, I drink more coffee than I should and sometimes I get a little crazy. But Monday morning when I sat here and listened to

192

all y'all talk about where you're from and what you do for a living and what your spouses do, I had my coffee cup. It used to say Dunkin' Donuts, but now it's just plain white because I use it everyday. When I was up here on Thursday and we were picking this jury, I had my coffee cup here on the table. And this morning before we started, I had my coffee cup because I needed it.

Now, when I'm over here talking to you guys, I don't have my coffee cup in my hand, but that doesn't mean it's not mine anymore. Constructive possession means if something of yours is in an area that you own or control, if something is in your house, if something is your car, you're in constructive possession of it even it's not physically in your hand. I'm still in possession of my cup even though I've walked away from it for a minute.

The things in my house, my TV, my books, I'm in constructive possession of those because I have control over my house, who can get in and who can't. Those are my things, they're not somebody else's.

So when the Judge talks to you about possession, just because these drugs weren't in somebody's hands, they weren't in the Defendant's hands doesn't mean he wasn't in possession of them. The fact that it's in his car with his stuff that he just ran out of means he is in possession of these drugs.

So, members of the jury, as you go back and you think about what's reasonable in this case and is there a reason to doubt what you've heard from the State, you get to think about what makes sense and what doesn't. It's not reasonable to think that there was another sock-footed, soaking wet, dirty person running from the Defendant's car in New Holland where the Defendant just happened to be because a good samaritan carried him across town when he could have used everybody's phone to get out of this situation. But that instead of making all those phone calls, he rides with a stranger to the country to run around in his sock feet looking for his car and his phone.

What's reasonable is that the Defendant, Jonathan Lincoln, was driving his car with illegal drugs in it when the police got behind him and tried to stop him, and he ran. And he ran for 30 miles and he dumped his car in a field and he ran on foot in sock feet up out of his shoes that he left on the floor. And he ran until he found a carport to hide in just on the other side of the woods and he got caught where they found him.

If you wake up in the morning and the weather channel says it's going to rain and you get an alert on your phone as you're walking into work and it says rain is going to start in 15 minutes and other people behind you walk into the office and they've got umbrellas that are wet and

194

they've got on rain boots and rain jackets that are dripping water and you go out later and the ground is wet and there's water on your windshield, even if you sat in that office the whole time and you didn't see that rain coming down with your eyes, you know it rained. You didn't have to see with your own eyes Jonathan Lincoln running from his own car, leaving his own drugs because your common sense and this evidence tells you exactly what happened. Find him guilty.

THE COURT: Ms. Hayes. Mr. Thompson.

MS. HAYES: Thank you.

CLOSING ARGUMENT BY THE DEFENSE

MS. HAYES: Thank you, ladies and gentlemen of the jury, for sitting here and listening and as I asked you to earlier when I came to talk to you yesterday to keep an open mind. You've listened to everything. And as I told you before, it is not the Defendant's burden to prove his innocence, it's the State's job to prove to you that Mr. Lincoln is guilty of these crimes.

I want to go through with what we all have. We had Sergeant Knight and Sergeant Palmer on the stand yesterday. And both of them testified they never saw Mr. Lincoln driving the car. Mr. Lincoln wasn't present at the scene when they were searching his car. So nobody saw -- they realistically don't even know the gender of who was driving the car, the color of the person. There's no description

because nobody sees who was driving the car.

They testified that there was tons of stuff in the car, belongings, the car was packed. Illegal drugs were found on the passenger side on top of it. Not packed in with belongings. Mr. Lincoln testified he was moving. He put all the stuff in his car that he was taking with him. That's why the car was packed with all the stuff in there. But the drugs were found on top.

The State found pill bottles in his glove box with his name on it. Is that so unusual that you find his belongings in the car? It's his car. He's not denying that. My pill bottles have my name on them. Same for everybody else, they're your pills, they have your name on them. They're in your car. That doesn't make him a bad person because he's got a prescription that he's got in his car.

He had a gun in the back of the car. That's not illegal. But the State made a point of making sure you knew that there was a gun in the backseat of the car. Does that make him a bad person? Does that make him guilty of this crime because there's a gun in the backseat? No. It's legal to have that.

Mr. Lincoln did not have to get up on the stand to tell you about what happened, but he did get up on the stand to tell you. You heard all of the witnesses, except there is a missing witness in this case. And I'm going to tell you who

196

that is, it's the dog.

They didn't call anybody from the bloodhound team to come in and talk to you about the tracking and how that works. Most of the time, the bloodhound tracking team is successful. Unless somebody picked the person up in a car. But Mr. Lincoln testified he was in the area. He was in the area. Why didn't the dogs find him? You heard testimony from the whole team that they were there for a long time and the dogs didn't track him. Is it maybe because the dog wasn't tracking his scent? He wasn't the one that ran out of the car?

He didn't testify he wasn't in the area. He was in the area, he testified to that. He testified that he was sitting on Mr. Woody's porch because he was tired from walking all night. It was cold. He was kind of fed up, he can't find his car.

And what did he do when the police showed up? Did he run? He didn't run, but allegedly the night before he was on a 31-mile chase from the police. Why wouldn't he run as soon as he saw the cops coming up to him on the porch if he was this bad person that was running from the cops? He would have. He would have ran, but he sat there.

And what did the police do? We don't really know what was said because miraculously, there is no audio on that video. They want to say that they said are you okay. You

know, you couldn't hear what they said. Is there a reason why there was no sound? We don't know.

But you saw them take him straight to the ground and arrest him without really talking to him. They didn't ask him -- you know, they didn't interview him. They never took him back to the police department and sat him down and say, hey, can you tell us what happened last night? Let's investigate this. Is Mr. Lincoln the guy they were looking for or is he a victim of the crime of someone stealing his car. They didn't do that.

And that's why I asked you at the beginning, make sure you put the State on trial, not Mr. Lincoln. Because the State has the job to prove to you beyond a reasonable doubt that he's guilty.

So why didn't they take him back and question him? It would have been easy. They had him in handcuffs. They had him in custody. They could have went back, gave him his rights and questioned him. At that point, he could have said, I don't want to talk to you. He could have answered the questions. They didn't. They just, that's it. We got our guy. We know what happened because he was in the area.

You know, the dogs didn't find him. There weren't just one or two officers that were on the scene that you heard from. They testified there was tons of police in the area. Why didn't they find him? He was in the area. He's telling

198

you he was in the area. Yeah, he doesn't have shoes on, but the officers testified that they found shoes, not slippers. My slippers don't look like shoes. I don't know what these slippers or shoes look like because the State never showed them to you, so we're not really sure what they found, what kind of shoes they were. Were they Nike tennis shoes? What were they? We don't know, they only said shoes.

The Defendant said he doesn't want to get his slippers wet. Well, you can understand that. You heard testimony from the officers it was wet and rainy and muddy. All his belongings are in the car. He could have taken those wet socks off when he got back in the car and slipped on his slippers.

And I don't know if y'all think that's weird, someone driving around in slippers, but if you do, I'm weird because there's times in the mornings when I take the kids to school that I'm just going to take them to school and come back home and get ready for work and I wear my slippers. They do have a rubber bottom on them so if I did have to get out, it would be okay. But I wear them. I'm in the car driving around and it's uncomfortable with shoes. And my slippers are comfortable. And he was telling you he was going on a trip, too.

Now, let's talk about what the State did show you. They showed you a video -- two videos of the same thing in

regards to a car chase. Y'all saw it. We watched it. We watched two videos pretty much of the same thing. We never saw Mr. Lincoln in that video. All we saw was a car running from the police. There's no denying that. We all saw two videos of the same thing.

Yeah, there was a chase. The problem is we don't know who was driving that car. The State makes their assumptions, but that doesn't mean this jury has to agree. They'll probably get up here after me and rebut what I said, but just because they say it over and over again doesn't make it true.

So what I want y'all to focus on is not what was the State has shown, but what don't they have. They don't technically have anything other than Mr. Lincoln was on scene later on. He went looking for his car. That's why he was in the area. He didn't have to get on the stand and tell you anything. That's not his burden. The State has to prove to you that he's guilty.

Now, the pill bottles that were in the car were his. I think the officers found them inside the glove box. He's admitted to it. All his stuff is in there.

In regards to the scales, the officer testified from my recollection that they were in the passenger seat in the area with the narcotics. That doesn't mean they were in the bag. He said passenger area. It could be anywhere in the

200

front seat. We don't know because he wasn't specific. We don't know exactly where that stuff was. We're not sure specifically because the officer didn't testify to that.

This was not a thorough case. They put it together because they found him in the area with no investigation. I want a thorough investigation in order to prove someone guilty beyond a reasonable doubt. That is what they should do. In this case, they didn't. They just kind of it's his car, he was in the area, oh, must be guilty. Instead of let's talk to him and see what happened, maybe he has a reasonable story, maybe he doesn't, but they didn't even check. They just yep, yep, yep, that's it. We know that's not how it works. You know, they should have questioned Mr. Lincoln.

I want y'all to think about that and put the State on trial and say did the State do enough to make me believe a hundred percent that he's guilty. If you believe that maybe his story he told you was true, then you have to find him not guilty. That is reasonable doubt. And that's what I'm going to ask y'all to do, just consider that he's telling y'all the truth. He didn't have to get on the stand and tell you anything, but he wanted y'all to know what was going on that night.

And I think after you go back and consider all of it and think about it, you're going to come back and say, you

know, you're right. The State didn't do a thorough job and you didn't convince me beyond a reasonable doubt. And you're going to tell me he's not guilty. Thank you so much for your time.

THE COURT: Yes, ma'am.

MS. HAMMACK: Thank you, Your Honor.

CLOSING ARGUMENT BY THE STATE

MS. HAMMACK: The police didn't see the Defendant in that car because the windows were tinted. They didn't see anything in that car. The Defendant wasn't in his car when they searched it because he ran. He ran because he didn't want to get caught with what was in his car.

Ms. Hayes says that the State wants to talk about prescriptions and guns and that all of these things are legal, and Ms. Hayes is right, they are. But the reason the State talked about them and the reason they're important is because they're all his. Everything in that car was his.

These scales that he said were his were, quote, with the narcotics. You can listen to it. Everything in that car was his except for the stuff he don't want to admit, which is all those drugs.

Ms. Hayes said well, they were sitting right on top, somebody put them there. Yeah, when I go to the grocery store, I put my eggs on top so they don't break because they're fragile. You're going to put your drugs on top of

202

stuff so they don't get smushed. That's money is what that. You are going to put them on top, that's exactly where you're going to put them.

Ms. Hayes says well, what did the Defendant do when the police pulled up? Yeah, let's talk about what he did. He said when he went to that house he was hoping the homeowner would help or call the police. He said, quote -- and I'm going to make sure I get this right, I was very happy to see the police. Yeah, he looked happy alright.

Ms. Hayes said that our Aiken County Sheriff officers who have worked there for over a decade didn't do anything. They just found him in the area, so let's arrest him. They weren't walking around on foot in the cold and rain for hours through the night in a wet field, up and down the road looking for the person that ran from them. That doesn't count for much, to be walking for hours looking for somebody that's run from them at 90 miles an hour past neighborhoods where people live, past schools and churches, somebody that's been a danger for 30 miles and these officers looked for hours.

Ms. Hayes said well, they didn't interview the Defendant and they should have talked to him, maybe he has a story. But another thing that maybe he had was the Fifth Amendment right to remain silent. And if I got up here and said well, he should have talked to the police, I'd be in

trouble. Because he has a right under the Constitution not to talk to the police, but the Defense wants to know why they didn't go and interrogate him and question him.

Members of the jury, the last thing the Defendant said to you when he testified -- let me find it so I can quote it correctly because I wrote it down. He said, Justice should serve everybody. And he's right. For every single person that lived on Wire Road, lived on New Bridge Road, that lived on New Holland Road, for the cars that were driving, oncoming traffic, when a vehicle is in the middle of a two-lane road straddling a center line at 90 miles an hour on a dark, curvy road, for the people asleep in their beds at night who hear lights and sirens going down the road who have to turn on their lights and lock their doors for safety, justice should serve everybody.

You don't have to abandon your reason and your common sense. Everything in that car, the car registration itself and the person that they found opposite side of the county where he's supposed to be just passed that car without his shoes that he left beside the car. It was not his nephew, it was the Defendant. He's guilty.

CHARGE ON THE LAW

THE COURT: All right, folks, it's now time for me to charge you on the law that applies to this case. I remind you that during this trial, you and I have certain duties to

204

perform. As the trial judge, it is my responsibility to preside over the trial of this case. I also have the duty to rule on the admissibility of the evidence offered during this trial.

You are to consider only the evidence before you. If there is any testimony ordered stricken from the record during this trial, you must disregard that testimony. You are to consider only the testimony which has been presented from this witness stand, any exhibits which have been made a part of the record in this case and any stipulations of the parties.

I have the additional duty to charge you on the law applicable to this case. It is your duty as jurors to accept and apply the law as I now state it to you. If you think you have any idea as to what the law is or what the law ought to be and it does not agree with what I tell you the law is, you must forget that idea because you are sworn to accept the law and apply the law exactly as I state it to you.

In every case tried in this court before a jury, the jury becomes the sole and exclusive judge of the facts. A trial judge cannot comment on or make any statement about the facts in a case. Since you are the sole judges of the facts, do not think by anything that I have said during the trial that I have any opinion about the facts in this case.

The law does not allow me to have an opinion about the facts.

The indictments charge the Defendant with possession with intent to distribute cocaine, possession with intent to distribute heroin, failure to stop a motor vehicle when signaled by a law enforcement vehicle, and trafficking in methamphetamine.

I remind you that the fact the Defendant was arrested, charged and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this case nor does it create any presumption or inference of guilt. The documents are simply the formal written instruments which contain the charges made against the Defendant. They are the formal documents by which this case was brought into this court.

The Defendant has pled not guilty to each of these indictments and that plea puts the burden on the State to prove the Defendant guilty. A person charged with committing a criminal offense in South Carolina is never required to prove himself innocent.

I charge you that it is an important rule of law that a defendant in a criminal trial, no matter what the seriousness of the charge may be will always be presumed to be innocent of the crimes for which the indictments were issued unless guilt has been proven by evidence satisfying

206

you of that guilt beyond a reasonable doubt.

This presumption of innocence does not end when you begin your deliberations, but it accompanies the Defendant throughout the trial until you reach a verdict of guilt based on evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence is like a robe of righteousness placed about the shoulders of the Defendant which remains with the Defendant until it has been stripped from him by evidence satisfying you of the Defendant's guilt beyond a reasonable doubt.

The presumption of innocence is not a mere legal theory. It is not just a legal phrase. It is a substantial right to which every Defendant is entitled unless you, the jury, are satisfied from the evidence of the Defendant's guilt beyond a reasonable doubt.

What is a reasonable doubt in the law? A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act. The State has the burden of proving the Defendant guilty of each of the charges against him beyond a reasonable doubt.

Some of you may have served as jurors in civil cases where you were told that it is only necessary to prove that a fact is more likely true than not true, such as by the greater weight or preponderance of the evidence. In

criminal cases, the State's proof must be more powerful than that. It must be beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilt. There are very few things in this world that we know with absolute certainty and in criminal cases, the law does not require proof that overcomes every possible doubt.

If, based on your consideration of the evidence, you are firmly convinced that the Defendant is guilty of the crimes charged, you must find the Defendant guilty. If, on the other hand, you think there is a real possibility that the Defendant is not guilty, you must give the Defendant the benefit of the doubt and find him not guilty.

There are two types of evidence which are generally presented during a trial: Direct evidence and circumstantial evidence.

Direct evidence is the testimony of a person who claims to have actual knowledge of a fact, such as an eyewitness. It is evidence which immediately establishes the main fact to be proven.

Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. It is evidence which immediately establishes collateral facts from which the main fact may be inferred. Circumstantial evidence is based on inference and not on personal knowledge

208

or observation.

The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. You should weigh all of the evidence in the case. After weighing all of the evidence, if you are not convinced of the guilt of the Defendant beyond a reasonable doubt, you must find the Defendant not guilty.

Necessarily, you must determine the credibility of witnesses who have testified in this case. Credibility simply means believability. It becomes your duty as jurors to analyze and to evaluate the evidence and determine which evidence convinces you of its truth.

In determining the believability of witnesses who have testified in this case, you may believe one witness over several witnesses or several witnesses over one witness. You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety. You may consider whether any witness has exhibited to you any interest, bias, prejudice or other motive in this case. You may also consider the appearance and manner of a witness while on the witness stand.

The rules of evidence ordinarily do not permit witnesses to testify to opinions or conclusions. An exception to this rule is for witnesses we call expert witnesses. A witness who by education and experience have become expert in some art, science, profession or calling may state an opinion as to relevant and material matter in which the witness claims to be an expert and may also state the reasons for the opinion.

You should consider any expert opinion received in evidence in this case and, like any other evidence, give it the weight you think it deserves. If you decide the opinion of an expert witness is not based on sufficient education and experience or if you conclude that the reasons given in support of the opinion are not sound or that the opinion is outweighed by other evidence, you may disregard the opinion entirely.

An expert witness's testimony is to be given no greater weight than that of other witnesses simply because the witness is an expert. Further, you are not required to accept an expert's opinion even though it is not contradicted.

An issue in this case is the identification of the Defendant as the person who committed the crimes charged. The State has the burden of proving identity beyond a reasonable doubt. You must be satisfied beyond a reasonable

210

doubt that the accuracy of the identification of the Defendant as the person who committed the crime before you may convict the Defendant. If, after examining the testimony, you have a reasonable doubt as to the accuracy of the identification, you must find the Defendant not guilty.

In order to establish criminal liability, criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be purpose, intent, knowledge, recklessness or criminal negligence. Criminal intent must be proven by the State beyond a reasonable doubt. Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation.

There is no way to prove intent to a mathematical certainty. There is no way medical science can dissect a person's brain and determine what the person had in mind. So the law says that criminal intent may be inferred from the circumstances shown to have existed. This is how you make a determination of whether or not the element required of intent was present.

It is not necessary to establish intent by direct and positive evidence, but intent may be established by inference in the same way as any other fact, by taking into consideration the acts of the parties and all the facts and circumstances of the case. Criminal intent is a mental

state, a conscious wrongdoing. It is up to you to determine what the Defendant intended to do based on the circumstances shown to have existed.

You have heard evidence that the Defendant was convicted of a crime other than the one for which the Defendant is now on trial. This evidence may be considered by you if you conclude it's true only in deciding whether the Defendant's testimony is believable and for no other purpose. You must not consider the Defendant's prior record as any evidence of the Defendant's guilt of the charges we are trying today.

The Defendant is charged with possession with intent to distribute cocaine and possession with intent to distribute heroin. The State must prove beyond a reasonable doubt that the Defendant possessed cocaine with the intent to distribute it and the State must prove beyond a reasonable doubt that the Defendant possessed heroin with the intent to distribute it.

In the prosecution of a crime for possession of narcotics, possession may be actual or constructive. Actual possession occurs when the drugs are found to be in the actual physical custody of the person charged with possession; while constructive possession occurs when the person charged with possession has dominion and control over either the drugs or the premises upon which the drugs are

212

found. Therefore, the State must prove beyond a reasonable doubt that the Defendant had both the power and the intent to control the disposition or use of the cocaine and of the heroin.

Mere presence at the scene where the drugs were found is not enough to prove possession. The Defendant's knowledge and possession may be inferred when a substance is found on the property under the Defendant's control. However, this inference is simply an evidentiary fact to be taken into consideration by you along with the other evidence in the case and to be given the weight you decide it should have.

The State must also prove beyond a reasonable doubt that the Defendant intended to distribute the cocaine and/or the heroin. Distribute means to deliver, other than by administering or dispensing a drug.

Intent may be shown by acts and conduct of the Defendant and other circumstances from which you may naturally and reasonably infer intent.

In determining whether the Defendant had the intent to distribute cocaine and/or heroin, you may consider the circumstances surrounding the Defendant's alleged possession. You may consider the amount of the substance alleged to have been possessed, the manner in which it was allegedly possessed, the place where it was allegedly

possessed and other factors which you consider to be important. You must find that the Defendant did not intend to have the cocaine or the heroin solely for his own use.

Possession of one or more grams of cocaine creates an inference that the Defendant possessed the cocaine with the intent to distribute it. Possession of two or more grains or 0.13 grams of heroin creates an inference that the Defendant possessed heroin with intent to distribute it.

These inferences do not relieve the State from proving beyond a reasonable doubt that the Defendant had the intent to distribute. They are simply evidentiary facts to be taken into consideration by you along with the other evidence in the case and to be given the weight you decide it should have.

The Defendant is also charged with failure to stop a motor vehicle when signaled to do so by law enforcement. Therefore, the State must prove beyond a reasonable doubt that the Defendant was driving a motor vehicle on a road, street or highway of this state. The State must also prove beyond a reasonable doubt that a law enforcement vehicle signaled by means of a siren or flashing light for the Defendant to stop his vehicle. Finally, the State must prove beyond a reasonable doubt that the Defendant failed to stop his vehicle, attempted to increase the speed of the vehicle or in some other manner avoided the pursuing of law

214

enforcement vehicle.

Finally, the Defendant is charged with trafficking in methamphetamine. The State must prove beyond a reasonable doubt that the Defendant knowingly sold, manufactured, cultivated, delivered, purchased, brought into this state, provided financial assistance or otherwise aided, abetted, attempted or conspired to sell, manufacture, cultivate, deliver, purchase or bring into this state, was knowingly in actual or constructive possession, knowingly attempted to become in actual or constructive possession of more than 28 grams of methamphetamine. I know that was a mouthful.

Now, you have been chosen and sworn to give the parties in this case a fair and impartial trial. When you have done so, you will have complied with your oath and no one will have a right to criticize your verdict. You must not be influenced by any opinions or expressions of opinion you may have heard outside of the courtroom, but, rather, should base your verdict solely on the testimony of the sworn witnesses who took the stand, the exhibits received into evidence and the law which I have stated.

You should not be swayed by caprice, passion, prejudice or improper sympathy for or against anyone in this case. Remember, you have no friends to reward or enemies to punish and all parties are entitled to a fair and impartial trial. It is your duty as jurors to consult with one another and to

deliberate in an effort to reach an agreement. Each of you must decide this case for yourself, but only after impartial consideration of all of the evidence with your fellow jurors.

In the course of your deliberations, do not hesitate to reexamine your own views and change your opinion if you become convinced it is erroneous. However, do not surrender your honest conviction as to the weight or effect of the evidence solely because of the opinion of your fellow jurors or for the mere purpose of returning a verdict. As I stated earlier, you are judges, judges of the fact. Your verdict must represent the considerate judgment of each juror. In other words, your verdict must be unanimous.

There are two possible verdicts which you may find for each indictment in this case: Guilty or not guilty. There is no significance whatsoever in the order in which I state these possible verdicts, it's simply that one must be stated first.

Now, you may have noticed that I have read these instructions and I do so to give you the law as accurately as possible.

Juror No. 177, Ms. Thompkins will be the Foreperson of the jury.

Raise your hand, Ms. Thompkins.

(Juror raised hand.)

216

THE COURT: There we go.

All right. Madam Foreperson, it will be your duty to preside over the deliberations of the jury. If during your deliberations you should desire to communicate with the Court, please put your question in writing or your message in writing, signed by you as the Foreperson and the Foreperson only and pass the note to the bailiff, who will bring it to my attention. I will then respond as promptly as possible either in writing or by having you return to the courtroom. I caution you, however, with regard to any message or question that you might send that you should never state or specify your numerical division at the time.

You have heard the evidence and you have heard the law. Whatever your verdict, Madam Foreperson, you will indicate it on the back of each of the indictments and sign it and date it on behalf of the jury. There is an indictment for each charge. I've explained the charge. Then if you flip it over, in this bottom left-hand corner, there is a place to write the verdict, guilty or not guilty. You'll sign it and date it as Foreperson of the jury.

Now, remember that although the Foreperson is the only juror who writes the verdict, it is not her's alone. The verdict has to be unanimous.

Madam Foreperson, you are not permitted to write the verdict until all of you have agreed upon it.

Now, I am going to send you back to your jury room. For the last time, I will ask you not to discuss the case, but that is only until you receive the exhibits and the indictments. Once you receive these things, the exhibits and the indictments, that will be your signal to begin your deliberations.

Once you begin your deliberations, you will deliberate until you have reached a verdict, at which time, you will knock on the door, advise the bailiff and we'll bring you back into the courtroom to receive your verdict.

Your lunch should already be back there. You may have already eaten it. I noticed when we took a break that it had arrived. Feel free to do that whichever way you choose.

Just make sure that the jury, Madam Foreperson, deliberates together. So if two people are eating sandwiches and not paying attention, you know, you will all be in the same room, but just make sure that everyone is involved in the deliberations.

So please return to your jury room. As I said, when you get the indictments and the evidence, that's your signal to begin deliberations.

(WHEREUPON, the jury exits courtroom for deliberations at 1:48 p.m.)

THE COURT: Any objections to the jury charge from the State?

218

MS. HAMMACK: No, Your Honor.
THE COURT: From the Defense?
MS. HAYES: No, Your Honor.
THE COURT: All right. Make sure all the evidence is there and give it to the jury.
MR. THOMPSON: Is Your Honor going to call the alternate out?
THE COURT: Thank you.
When you go hand them the evidence, please bring my alternate out.
MR. WEEKS: Your Honor, we're going to send the laptop back with the DVD attached to it.
THE COURT: Yes.
MR. WEEKS: If the bailiff would instruct them if they have any trouble operating it to let us know.
THE COURT: Right.
(WHEREUPON, the alternate juror enters the courtroom.)
THE COURT: All right, Mr. Alternate. Thank you for your service. Thank you for hanging in there with us. You were the alternate juror in case something happened to one of the main 12. Nothing did, they've made it to the finish line so your service is complete. You're not permitted to deliberate on the case, but you're now free to talk to whoever you want to talk to about the case. You can talk to the attorneys, your family, friends, anyone else. It

doesn't matter, give your opinion, don't give your opinion. Either way is fine.

You should already have a work excuse. Your check is in the mail. You are no longer qualified to serve on a jury in circuit court for this calendar year, the rest of 2021. If you are summoned in 2022 or 2023, then you will have to appear, but you can exercise the exemption. You will tell the Judge that you served on this jury this week and they will let you go.

ALTERNATE JUROR: Okay.

THE COURT: So I think that's it. Grab your lunch before you leave and have a good weekend.

ALTERNATE JUROR: Thank you.

THE COURT: Thank you.

All right. Folks, we're going to take a break so we can eat something and then I'm happy to do whatever while we wait for the jury.

MS. HAMMACK: Thank you, Your Honor.

(WHEREUPON, Court was in recess for lunch and awaiting a verdict.)

THE COURT: I understand from the bailiff that the jury has reached a verdict.

Please bring the jury in.

(WHEREUPON, the jury enters the courtroom at 3:05 p.m.)

THE COURT: Madam Foreperson, has the jury reached a

220

verdict as to each of the charges?

MADAM FOREPERSON: Yes, ma'am, we have.

THE COURT: Are those verdicts unanimous?

MADAM FOREPERSON: Yes, they are.

THE COURT: If you will hand the indictments to the bailiff, please.

Madam Clerk, if you would publish the verdicts.

VERDICT

THE CLERK: Your Honor, we have case number 2020-GS-02-02099, the State of South Carolina, The State vs. Jonathan Art Lincoln, indictment for failure to stop a motor vehicle when signaled by a law enforcement vehicle, not guilty. Signed by the Foreperson, Edith Thompkins, dated 7/23/2021.

Your Honor, we have case number 2020-GS-02-02100, the State of South Carolina, The State vs. Jonathan Art Lincoln, indictment for trafficking in methamphetamine, verdict, guilty. Signed by the Foreperson, Edith Thompkins, dated July 23rd, 2021.

THE COURT: Mr. Lincoln. Mr. Lincoln, I need you to be quiet. If you need to sit, have a seat, Mr. Lincoln.

Madam Clerk, please continue.

THE CLERK: Your Honor, we have case number 2020-GS-02-02098, the State of South Carolina, The State vs. Jonathan Art Lincoln, indictment for possession with intent

to distribute heroin. The verdict is guilty, signed by the Foreperson, Edith Thompkins, dated July 23rd, 2021.

Your Honor, we have case number 2020-GS-02-02097, the State of South Carolina, The State vs. Jonathan Art Lincoln, indictment for possession with intent to distribute cocaine. The verdict is guilty, signed by the Foreperson, Edith Thompkins, dated July 23rd, 2021.

Your Honor, we have case number 2020-GS-02-02096, the State of South Carolina, The State vs. Jonathan Art Lincoln, indictment for resisting arrest. The verdict is not guilty, signed by Edith Thompkins, dated July 23rd, 2021.

Ladies and gentlemen of the petit jury, if this is your verdict for Jonathan Art Lincoln, please indicate by the raising of your right hand.

THE DEFENDANT: Please don't. Please.

THE CLERK: Judge, all hands are raised.

THE COURT: Okay.

Anything further from the jury before they're dismissed, Ms. Hayes?

MS. HAYES: Nothing from the Defense, Your Honor.

THE COURT: Ladies and gentlemen of the jury, thank you for your service. Clearly, this case was significant to the State, to Mr. Lincoln, to his family and friends. So I thank you for your time, attention, focus and deliberation on this case.

222

On behalf of the citizens of Aiken County and the State of South Carolina and everyone else, we know that jury service is an inconvenience and it is -- you have to make difficult decisions, but I trust that you have done what you think is right. And as I said in my instructions, no one has the right to criticize your verdict. So we appreciate that.

Your jury service -- of course, it's Friday, your jury service is complete. We appreciate you hanging in there with us this week. You are now free from jury duty for the rest of 2021. You are no longer qualified to serve on a jury in 2021. If you are summoned in 2022 or 2023, you will have to come and you can exercise an exemption. You will tell that Judge that you served on this jury and they should let you go.

You should have work excuses. If not, they will bring them to you in the jury room. I'm going to excuse you to the jury room and ask you to just hang tight for a second. I'm going to come back in and chat with you just for a moment before you leave. But outside of that, you're free to discuss the case with anyone you want to talk to about it at this point and do whatever research you want. Those rules don't apply anymore, not since your verdict has been rendered.

So you may go back to your jury room. I will follow in

just a moment. Thank you.

(WHEREUPON, the jury exits the courtroom at 3:12 p.m.)

THE COURT: All right, folks, we're going to take 15 or 20 minutes so that y'all can get me sentencing sheets and so that Mr. Lincoln can compose himself. We will proceed with any post-trial motions and sentencing at that time.

(WHEREUPON, a short recess was taken.)

THE COURT: All right. We're back on the record.

First, let me hear does the Defense have any post-trial motions.

MS. HAYES: Yes, Your Honor. At this time, the Defense will renew all previous motions and objections and we move for a new trial on the basis that the jury lacked enough evidence to necessarily find the Defendant guilty beyond a reasonable doubt.

THE COURT: All right. That is respectfully denied. All my previous rulings remain the same.

Is there anything else prior to sentencing?

(No response.)

THE COURT: I just want to acknowledge that, clearly, there was a small error on behalf of the Court in sending the indictments to the jury room and not pulling out the indictment for resisting arrest. It appears to have been a harmless error anyway as he was acquitted of that charge. But I did want to put that on the record because, clearly,

224

the clerk read a verdict for that charge.

MR. THOMPSON: We were thinking the same thing, Your Honor.

THE COURT: Yes, exactly. I just wanted to address it.

Let me hear from the State as to sentencing.

MS. HAMMACK: Your Honor, the only thing the State would add in addition to testimony from the trial would be the Defendant's prior criminal history.

He has convictions from 2002 of simple assault and battery, shoplifting, open container. He has convictions from 2004 for failure to stop for a blue light, possession with intent to distribute crack cocaine in proximity to a school, park or playground. Convictions from 2005 for possession of marijuana, grand larceny, two convictions for burglary second degree, possession of a stolen vehicle, breaking and entering into an automobile. And convictions from 2011, two counts of possession with intent to distribute marijuana, giving false information and possession of a controlled substance, second offense.

THE COURT: So these convictions for possession with intent to distribute heroin and cocaine, trafficking methamphetamine are third offenses?

MS. THOMPSON: That's correct, Your Honor.

MS. HAMMACK: Yes, Your Honor.

THE COURT: Okay. Let me hear from the Defense.

MS. HAYES: Your Honor, Mr. Lincoln is 38 years old. He grew up here in Aiken County. He attended Silver Bluff High School and was a football player. He didn't complete high school, but he did obtain his GED in 2000. And then he tells me he went back for his last year of high school because he liked school. He also attended two years of college with a major of psychology with a basis of consumer behavior.

He was a maintenance supervisor for the Marriott and while he was out on bond, he was working for Mex-Chem, which is a chemical for lawn care business.

He has a daughter who's a freshman this fall in college and a son who's a senior in high school, he's going to be a senior this year in high school.

He is a member of the Canaan Baptist Church and he attends Four Mile Missionary Baptist Church here.

He's got two brothers and a sister, lots of nieces and nephews, Your Honor. He would ask that you consider the minimum sentence on these charges.

And I believe -- I would hope -- I'm going to do it for him, apologize to the Court in regards to his outburst at the verdict being read because it was quite a significant sentence that he's facing, which is a little bit reasonable on why he's upset. And I don't think he wants to address the Court, Your Honor.

226

MS. HAMMACK: He does have some other pending drug charges, to include another trafficking charge. We have already reached out to discuss resolution of those, but they are still pending at this time.

MR. THOMPSON: I don't think you want to address the Court, but if you do, now is the time.

THE COURT: Mr. Lincoln, I understand that you're upset. I'm happy to give you a moment, but if you want to tell me anything that may impact the sentence I impose on these charges, now is the time to do that. You can choose not to or you can choose to say something. And if you need a moment before you do, let me know.

THE DEFENDANT: I don't know what to say.

THE COURT: And the reason I want to give you a minute is because I need to understand what you're saying. I'm not able to understand you while you're crying or with your hands in front of your face.

THE DEFENDANT: My kids, man. My kids. For drugs, man. Drugs, you taking me from my kids for drugs? I'm sorry, man. For drugs, man. Oh, my God, man.

THE COURT: Well, I know it sounds unfortunate and, you know --

THE DEFENDANT: Even if I would have been guilty, look how much time that is for drugs.

THE COURT: I know.

THE DEFENDANT: That's crazy.

THE COURT: It is a lot of time for drugs, but it was a lot of drugs and it's not your first offense, which is why the state law is set up the way it is. The first time, you probably wouldn't do any prison time on the first drug charge. And the second time, you're exposed to more time. But by the time you get to trafficking a third offense, 28 to 100 grams, that's when it gets serious.

And you're put on notice before you even commit those offenses that if you do, you're facing a lot more time, mandatory minimum, which is why you have to back up and make the decision not to commit those offenses again because it puts you in the position where yes, now, at minimum, you're going to do 25 years. That's the minimum. And that may be a good law, it may be a bad law, I take no position on that as I sit here today, but it is the law.

THE DEFENDANT: I ain't even guilty. I didn't do it, Your Honor. I ain't even guilty this time. That's why I'm here. That's why I'm at trial. I ain't never went to trial before. The only reason I'm here is because I wasn't guilty, but y'all failed me again. Taking me from my kids. Taking me from my kids again, man. I don't know what to do, man.

THE COURT: Is there anything else you want to say, Mr. Lincoln?

228

MR. THOMPSON: I don't believe there's anything else he wants to say.

THE DEFENDANT: Oh, no, Your Honor, I'm sorry.

SENTENCE OF THE COURT

THE COURT: Mr. Lincoln, I respect the jury's verdict, including their verdict of not guilty on the failure to stop for a blue light. That is our justice system. That is the best system I know for resolving these matters. You know, as I said repeatedly throughout the trial, it's not my job to be the finder of facts. I might have found you guilty of the failure to stop as well and that's the least of the concerns. But I did respect the jury's verdict.

I say all that to get to the point that I don't know for certain whether it was you driving that car or not. I respect the jury's verdict in finding reasonable doubt there. But what I do know is that it is really unfortunate for you to throw your nephew under the bus to try to save yourself. I think that is deplorable, in fact.

So on all charges, Mr. Lincoln, the sentence is that you be committed to the State Department of Corrections for 30 years. On the charge of trafficking methamphetamine, there is also a mandatory $50,000 fine. All sentences will run concurrent to one another. You will get credit for the time that you served.

Make the best of your time in the Department of

Corrections, sir. Good luck to you.

MR. THOMPSON: Your Honor, we have calculated the credit for time served and I believe Ms. Hayes will be able to give that to you momentarily.

THE COURT: If you will give me a number of days, I'll write it down.

MS. HAYES: It looks like he's got 311 days.

THE COURT: Okay. Credit for 311 days served.

MR. THOMPSON: Thank you, Your Honor.

THE COURT: And thank you all for this week. It's been a busy, but enjoyable week if you can enjoy that kind of thing. I know that's weird to say, but I think everyone within this sytem understands what I mean by that. So not a bad week for my first week in Aiken. Thank you all.

230

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

I, PENNY M. JOHNSON, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

October 5, 2021

Penny M. Johnson

Penny M Johnson
Official Court Reporter

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	POSSESSION WITH INTENT TO DISTRIBUTE
COUNTY OF AIKEN	)	COCAINE
	)	
		§ 44-53-0370(b)(1)

At a Court of General Sessions, convened on December 7, 2020, the Grand Jurors of Aiken County present upon their oath:

That JONATHAN ART LINCOLN did in Aiken County on or about February 26, 2020, knowingly or intentionally possess with intent to distribute a quantity of Cocaine, a controlled substance under provisions §44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such possession not having been authorized by law.

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

Elizabeth B. Young

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Brandon J Knight II

Law Enforcement Case #: 20-010190

MBM

ARREST WARRANT NUMBER

2020A0210200370

FILED December 3 2020

Robert J. Kirkley
C.C.P. & G.S.

PB
Paige Barnes
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: December 3, 2020

VERDICT

Guilty

Foreperson of Petit Jury
Date: 7/23/2021

DOCKET NO. 2020GS0202097

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

DECEMBER TERM 2020

THE STATE
vs.

JONATHAN ART LINCOLN

CDR #: 0185

Indictment for

POSSESSION WITH INTENT TO DISTRIBUTE COCAINE

§ 44-53-0370(b)(1)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	POSSESSION WITH INTENT TO DISTRIBUTE
COUNTY OF AIKEN	)	HEROIN
	)	
		§ 44-53-0370(b)(1)

At a Court of General Sessions, convened on December 7, 2020, the Grand Jurors of Aiken County present upon their oath:

That JONATHAN ART LINCOLN did in Aiken County on or about February 26, 2020, knowingly or intentionally possess with intent to distribute a quantity of Heroin, a controlled substance under provisions §44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such possession not having been authorized by law.

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

Elizabeth B. Young

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Brandon J Knight II

Law Enforcement Case #: 20-010190

MBM

ARREST WARRANT NUMBER

2020A0210200371

FILED December 3 20 20

C.C.P. & G.S.

PB

Paige Barnes
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: December 3, 2020

VERDICT

Guilty

Foreperson of Petit Jury
Date: 7/23/2021

DOCKET NO. 2020GS0202098

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

DECEMBER TERM 2020

THE STATE
vs.

JONATHAN ART LINCOLN

CDR #: 0185

Indictment for

POSSESSION WITH INTENT TO DISTRIBUTE HEROIN

§ 44-53-0370(b)(1)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	TRAFFICKING IN METHAMPHETAMINE
COUNTY OF AIKEN	)	
	)	§ 44-53-0375(C)(2)(c)

At a Court of General Sessions, convened on December 7, 2020, the Grand Jurors of Aiken County present upon their oath:

That JONATHAN ART LINCOLN did in Aiken County on or about February 26, 2020, knowingly sell, manufacture, cultivate, deliver, purchase or bring into this State, or did provide financial assistance or did otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase or bring into this State, or did knowingly, actually, or constructively possess, or did knowingly attempt to become in actual or constructive possession of more than 28 grams but less than 100 grams of Methamphetamine, a controlled substance under provisions of Section 44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such possession not having been authorized by law.

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

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Brandon J Knight II

Law Enforcement Case #: 20-010190

MBM

ARREST WARRANT NUMBER

2020A0210200393

FILED December 3 2020

Robert J. Bristow
C.C.C.P. & G.S.

PB
Paige Barnes
Deputy Clerk

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: December 3, 2020

VERDICT

Guilty

Foreperson of Petit Jury
Date: 7/23/2021

DOCKET NO. 2020GS0202100

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

DECEMBER TERM 2020

THE STATE
vs.

JONATHAN ART LINCOLN

CDR #: 0349

Indictment for

TRAFFICKING IN METHAMPHETAMINE

§ 44-53-0375(C)(2)(c)

J. STROM THURMOND, SOLICITOR

max 10-30 yrs

STATE OF SOUTH CAROLINA)
)
COUNTY OF Aiken)
)
STATE)
VS.)
)
Jonathan Art Lincoln)
AKA:)
Race: Black Sex: M Age: 38)
DOB: [redacted]-1983 SS#: [redacted]-7839)
Address: [redacted])
City, State, Zip: Aiken, SC 29801)
DL#[redacted] SID#)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 02 - 02097

A/W#: 2020A0210200370
Date of Offense: 2/26/2020
S.C. Code §: 44-53-0370(b)(1)
CDR Code #: 0185

SENTENCE SHEET

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

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

TO: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 3rd or sub. offense Cocaine

In violation of § 44-53-0370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0185

☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

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:

Ashley A. Hammack 80176 ~~100386~~ [redacted] Susanne Hayes 77833
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☑ **State Department of Correction** ☐ **County Detention Center,**

for a determinate term of 30 ~~days/months~~/years/~~Time Served~~ ☐ **Youthful Offender Act** not to exceed ____ years

and/or to pay a fine of $_____; provided that upon the service of ____ days/months/years/Time Served 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.

The sentence shall run
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2020GS0202098, 2100 (July 23, 2021)

☑ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
311 ~~days/months~~
☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jonathan Art Lincoln INDICTMENT/CASE#: 2020 - GS - 02 - 02097

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: _____

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

Total $_____ plus 20% fee: _____ $_____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		$
Fine may be pd. in equal consecutive weekly/monthly pmts. of $ _____ Beginning _____		
§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	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§14-1-213 (Drug Court Surcharge)	$150	$ 150.00
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	$41	$
§50-21-114 (BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)	TBD	$ 8.25
☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees	$500	$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	$
	TOTAL	$ 283.25

~~Clerk of Court~~/Deputy Clerk: Deyena A

Court Reporter: DCRP

Presiding Judge: Joaby Newman

Judge Code: 2757

Sentence Date: July 23, 2021

Max 10-30 yrs

STATE OF SOUTH CAROLINA)
)
COUNTY OF Aiken)

IN THE COURT OF GENERAL SESSIONS

STATE)
VS.)
Jonathan Art Lincoln)
AKA:)
Race: Black Sex: M Age: 38)
DOB: [redacted]-1983 SS#: 2[redacted]9-7839)
Address: [redacted])
City, State, Zip: Aiken, SC 29801)
DL#* [redacted] SID#)

INDICTMENT/CASE#: 2020 - GS - 02 - 02098

AM#: 2020A0210200371
Date of Offense: 2/26/2020
S.C. Code §: 44-53-0370(b)(1)
CDR Code #: 0185

SENTENCE SHEET

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

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

TO: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - 3rd or sub. offense Heroin

In violation of § 44-53-0370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0185

☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

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:

80178
Ashley A. Hammack 100386 Jonathan Lincoln Suzanne Hayes 77833
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☑ **State Department of Correction** ☐ **County Detention Center,**

for a determinate term of 30 ~~days/months/years/Time Served~~ ☐ **Youthful Offender Act** not to exceed ___ years

and/or to pay a fine of $_____; provided that upon the service of ____ days/months/years/Time Served 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.

The sentence shall run
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2020 GS 02 02097, 2100 (July 23, 2021)

☑ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
311 days/~~months~~
☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jonathan Art Lincoln INDICTMENT/CASE#: 2020 - GS - 02 - 02098

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: _____

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

Total $_____ plus 20% fee: _____ $_____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		$
Fine may be pd. in equal consecutive weekly/monthly pmts. of $ _____ Beginning _____		
§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	$
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§14-1-213 (Drug Court Surcharge)	$150	$ 150.00
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	$41	$
§50-21-114 (BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)	TBD	$ 8.25
☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees	$500	$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	$
	TOTAL	$ 283.25

~~Clerk of Court~~/Deputy Clerk: Olivia A DCRP

Court Reporter:

Presiding Judge: Jocelyn Newman

Judge Code: 2757

Sentence Date: July 23, 2021

min 25-30yrs

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE)
VS.)
Jonathan Art Lincoln)
AKA:)
Race: Black Sex: M Age: 38)
DOB: [redacted]-1983 SS#: [redacted]-7839)
Address: [redacted])
City, State, Zip: Aiken, SC 29801)
DL#* [redacted] SID#)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020 - GS - 02 - 02100

A/W#: 2020A0210200393
Date of Offense: 2/26/2020
S.C. Code §: 44-53-0375(C)(2)(c)
CDR Code #: 0349

SENTENCE SHEET

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

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

TO: Drugs / Trafficking in meth. or cocaine base - 28 g or more, but less than 100 g - 3rd or sub. (Fel., 25Y to 30Y)

In violation of § 44-53-0375(C)(2)(c) of the S.C. Code of Laws, bearing CDR Code # 0349

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

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:

80176 100386
Ashley A. Hammack — Solicitor — SC Bar#

Defendant

Susanne Hayes 71833
Attorney for Defendant — SC Bar #

WHEREFORE, the Defendant is committed to the ☑ **State Department of Correction** ☐ **County Detention Center,**

for a determinate term of 30 ~~days/months/years/Time Served~~ ☐ **Youthful Offender Act** not to exceed ___ years

and/~~or to~~ pay a fine of $50,000; provided that upon the service of ____ days/months/years/Time Served 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.

The sentence shall run
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2020GS0202097, 2098 (July 23, 2021)

☑ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
311 ~~days/months~~
☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jonathan Art Lincoln INDICTMENT/CASE#: 2020 - GS - 02 - 02100

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: _____

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

Total $_____ plus 20% fee: _____ $_____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		$ 50,000.00
Fine may be pd. in equal consecutive weekly/monthly pmts. of $ _____ Beginning _____		
§14-1-206 (Assessments 107.5%)		$ 53,750.00
§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	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§14-1-213 (Drug Court Surcharge)	$150	$ 150.00
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	$41	$
§50-21-114 (BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)	TBD	$ 3,120.75
☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees	$500	$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	$
	TOTAL	$ 107,145.75

~~Clerk of Court~~/Deputy Clerk: [signature]
Court Reporter: DCRP

Presiding Judge: Jocelyn Newman
Judge Code: 2757
Sentence Date: July 23, 2021

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
Mar 02 2022
SC Court of Appeals

s/ Lara M. Caudy
Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 2nd day of March, 2022.